

specifically provided in the subscribers' agreements for expenses and re-insurance. Said sum shall at no time be less than fifty thousand dollars, if it be a casualty insurance carrier only, and not less than twenty thousand dollars if it be other than a casualty insurance carrier, and not less than seventy thousand dollars if it be both, and if at any time one-half of the aggregate deposits so collected and credited shall not equal said respective amounts, then the subscribers, or their attorney for them, shall make up any deficiency. Said reserves shall be held in cash or securities in which stock fire and casualty insurance companies are under the Texas law authorized to invest. All insurance carriers writing insurance upon the provisions of this chapter under permit granted by the Board of Insurance Commissioners of Texas, on or prior to March 1, 1933, may have until December 31, 1935, to meet said reserve requirements.

Sec. 2. The fact that there is no law in this State now requiring adequate cash and invested assets to be held by, or prescribing in what types of securities said reserves shall be invested by reciprocal or inter-insurance exchanges doing business in the State of Texas, creates an emergency and an imperative public necessity requiring that the constitutional rule providing that bills be read on three several days in each House, be suspended, and such rule is hereby suspended, and this bill shall take effect and be in full force and effect from and after its passage and approval and it is so enacted.

#### Committee Amendment No. 2.

Amend S. B. No. 403 by striking all above the enacting clause and inserting in lieu thereof the following caption:

An Act to amend Section 7 of Article 5026 and Article 5029 of the Revised Civil Statutes of the State of Texas, 1925, by requiring reciprocal or inter-insurance exchanges to have and at all times maintain cash and invested assets of not less than fifty thousand dollars, if it be a casualty insurance carrier, and not less than twenty thousand dollars if it be other than a casualty insurance carrier, and not less than seventy

thousand dollars if it be both; providing that the reserves provided for in Article 5029 shall at no time be less than fifty thousand dollars if it be a casualty insurance carrier, and not less than twenty thousand dollars if it be other than a casualty insurance carrier, and not less than seventy thousand dollars if it be both; providing that in case of deficiency in said reserves, the subscribers, or their attorney-in-fact, shall make up the deficiency; providing that said reserves shall be held in cash or in securities in which stock fire and casualty insurance companies are under the Texas law authorized to invest; providing that all insurance carriers operating under this chapter and holding a permit granted by the Board of Insurance Commissioners of Texas on or prior to March 1, 1933, shall have until December 31, 1935, to meet said reserve requirements, and declaring an emergency.

#### FIFTY-NINTH DAY.

Senate Chamber,  
Austin, Texas,  
April 12, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By unanimous consent the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills and resolution:

By Senators Poage, Oneal, Collie, Duggan, Woodward, Beck, Pace, Redditt, Cousins, Greer, Patton, Moore, Woodruff, Purl, Murphy, Small, Rawlings, Sanderford, Neal, Hornsby and Martin:

S. J. R. No. 29, Proposing an amendment to sub-section (a) of Section 20, Article 16, of the Constitution of Texas, providing that vinous and malt liquors of not more than 3.2 per cent alcoholic content by weight shall not be prohibited by said section; providing that the amendment shall be self-enacting, authorizing the Legislature to provide other regulations; providing for the submission of such amendment to the voters, for the proclamation and publication thereof, making an appropriation for the expenses of such election, and authorizing the submission of other matters at such election.

Read and referred to Committee on Constitutional Amendments.

By Senator Oneal:

S. B. No. 513, A bill to be entitled "An Act providing for the transfer of the lien for taxes that the State, county or defined subdivision thereof, has upon any real property; providing by whom and under what conditions such transfer may be made; providing for the recording of such transfer, and the effect of such record; providing for paying by lienholder to person paying such taxes the taxes, cost, and interest, and receiving transfer to himself of the tax lien; providing for foreclosure of lien and sale and disposition of proceeds of sale; providing for redemptions from foreclosure sale; providing this Act shall not abridge the right of taxpayer to enter into contract with lienholders for payment of taxes, nor affect existing contracts; providing that if any provision of this Act is declared invalid or unconstitutional it shall not affect any other provision of this Act; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Martin:

S. B. No. 514, A bill to be entitled "An Act to prohibit the taking, killing or possession of wild fox for the purpose of barter or sale, and prohibiting the use of steel-traps for taking furbearing animals in certain counties, and declaring an emergency."

Read and referred to Committee on Game and Fish.

**Invitation Extended.**

The Chair laid before the Senate an invitation to attend the inauguration of Hon. Oscar Holcombe as mayor of Houston, April 15.

On motion of Senator Hornsby, the invitation was accepted.

**Special Report.**

Senator Oneal sent up the following report and received unanimous consent to have it printed in the Journal:

Senate Chamber,

Austin, Texas, April 10, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: Under the instructions of Senate Simple Resolution No. 72, passed March 21, 1933, as appears upon page 870 of the Senate Journal, I attended the first meeting of the Interstate Commission on Conflicting Taxation, which was held in Chicago on March 24th and 25th, 1933.

This Interstate Commission on Conflicting Taxation was created by the First Interstate Legislative Assembly, which was held in the city of Washington on February 3rd and 4th, 1933, and which I attended as the representative of the Senate of Texas, under the instructions of the Senate. I was appointed as one of the fourteen members composing the Commission on Conflicting Taxation. At the meeting of the Commission in Chicago the following named commissioners were present and participated in the proceedings:

Senator Seabury C. Mastick, Chairman, New York.

Senator Earl R. Lewis, Ohio.

Senator Ben G. Oneal, Texas.

Senator Henry Parkman, Jr., Massachusetts.

Hon. Anna Wilmarth Ickes, Illinois.

Hon. William B. Belknap, Kentucky.

Senator Henry W. Toll, Secretary, Colorado.

Some other members were prevented from attending by reason of sickness.

There also attended this conference, Professor Clarence Heer, Dr. Rodney L. Mott, and Mr. Hubert R. Gallagher, of the research staff connected with the Commission.

After receiving the reports of the research staff and considering the same, and after canvassing some of the problems of double taxation during the two day session in the administrative office of the American Legislators Association, the Interstate Commission on Conflicting Taxation prepared its conclusions to be presented to the official members of the Interstate Legislative Assembly. I herewith report to you the conclusions:

#### "I. Injury to Business.

The conflicting taxes which the Federal government and the forty-eight states are now levying impose inequitable burdens which affect every individual, farm, hamlet, and city. These duplicating and excessive exactions place an unreasonable economic restraint on business and industry. The unrestricted exploitation of the same sources of revenue by both the states and the Federal government threatens to undermine the revenue systems of each. It presents a problem which demands immediate action on the part of the Federal Congress and of the State legislatures.

#### II. Impairment of Revenues.

The basic consideration should be the effect of the combined burden of taxes which are imposed by the Federal, State, and local governments. This has frequently been overlooked on account of the individualistic viewpoint of the forty-eight states and of the Federal government. The pyramiding of taxes threatens to reduce both State and Federal revenues. Unrestrained double taxation may so increase the cost of products to the consumer as to throttle commerce, increase unemployment, and delay economic recovery. It must be recognized that the economic law of diminishing returns applies inexorably to taxation.

#### III. Recommendations.

With these considerations in mind, the Commission makes the following recommendations:

First. Gasoline taxes. Since Congress has declared that the Federal tax on gasoline was levied only as a temporary expedient on account of the emergency, the Commission urges the Federal government to relinquish this source of revenue for the exclusive use of the states at the end of the next Federal fiscal year, namely June 30, 1934.

Second. Tobacco taxes. Thirteen states now have taxes on tobacco, and many other states are seriously considering levying such taxes. If the states continue to impose additional levies on tobacco products, the return to the Federal government from this source of revenue will be further diminished. Since any material increase in these taxes during a period of depression will decrease the amount of tobacco consumed, such increase will adversely affect the producer as well as the manufacturer. Accordingly this Commission recommends that no additional tobacco taxes be adopted by the states for revenue purposes.

Third. Electrical energy taxes. Since the states were the first to utilize a tax on electrical energy, and since the conditions of the manufacture and distribution of electricity vary so widely from state to state, this Commission recommends that Congress should leave this source of revenue for the exclusive use of the states.

Fourth. Beer taxes. Congress has already levied a heavy tax on beer. Substantial additional taxes on this beverage, or heavy license taxes on its distributors, levied by the states or by their political subdivisions, will diminish the Federal tax revenues. Therefore the Commission recommends that the states, municipalities, and other local units of government refrain from levying heavy taxes on beer, unless they impose such taxes for regulatory purposes.

Fifth. General Sales Taxes. At the present time the Federal government imposes no general sales tax. Consequently the conflicts between Federal taxes and the general sales taxes which are levied by states are relatively slight. This Commission believes that the subject of general

sales taxes should be further explored by the Commission's research staff in the light of developments at the present legislative sessions. The Commission intends to issue a further report during the coming year, which will contain recommendations designed to prevent the threatened development of serious conflicts in this field.

Sixth. Compacts between states. The Commission recommends that states which have tax problems that cannot be satisfactorily adjusted without cooperative action should confer concerning the execution of interstate compacts. The Commission further recommends that Congress should facilitate such compacts by a general enabling and consenting act."

Although, when the discussions of the various points covered in the report began, the Commissioners present held varying views, yet, after full discussion and consideration, the Commissioners present were in complete agreement concerning the report.

For your further information I desire to call your attention to the fact that this report has been referred to the members of the First Interstate Legislative Assembly and if two-thirds of the members of the assembly, under the rules adopted when the Commission was created, express their approval of the conclusions of the Commission, the Commission will then confer with one or more congressional committees at an early date concerning the matters of taxes included in the report.

If I may be permitted to express a personal opinion as to the desirability of the Legislature of Texas, or the Senate of Texas, continuing its membership in the Interstate Legislative Assembly and its representation on the Interstate Commission on Conflicting Taxation, I desire to say that it would be a mistake not to participate in this movement which has for its purpose the clarifying of the unsatisfactory situation caused by both the Federal government and the state governments entering into several of the same fields of taxation. It is my opinion that if the branches of the legislatures of the states will earnestly and consistently continue in this work and continue to cooperate with each other, Congress will give serious

consideration to the recommendations made by the states through these agencies and that cooperation between the states on the one part and the Congress on the other will, within a reasonable time, be accomplished.

The importance of this work is recognized by the sub-committee of the Committee on Ways and Means of the House of Representatives of the National Congress as I pointed out in my report to you of February 28th, which appears on pages 669 to 671, inclusive, of the Senate Journal. In fact the sub-committee on double taxation itself indicated the need for the work that is being done by the Interstate Commission on Double Taxation, as well as the Interstate Legislative Assembly. This sub-committee of the House Ways and Means Committee; in dealing with the question of Federal and State taxation on gasoline, had this to say:

"A discussion of the taxes which gasoline can fairly bear without reducing its consumption is one of the important matters deserving the attention of both Federal and state legislators." See page 170 of the primary report of this sub-committee.

For your information I give you herewith below a list of the entire membership of the Interstate Commission:

Senator Seabury C. Mastick, Chairman, New York.

Hon. William B. Belknap, Kentucky.

Hon. R. Beverly Herbert, South Carolina.

Hon. Anna Wilmarth Ickes, Illinois.

Senator Lee Knous, Colorado.

Senator Earl R. Lewis, Ohio.

Senator Ben G. Oneal, Texas.

Senator Henry Parkman, Jr., Massachusetts.

Senator Alvin Reis, Wisconsin.

Hon. Harry B. Riley, California.

Hon. Estes Snedecor, Oregon.

Hon. Philip Sterling, Pennsylvania.

Senator George Woodward, Pennsylvania.

Senator Henry W. Toll, Secretary, Colorado.

Respectfully submitted,

BEN G. ONEAL,

(Representing Texas) of the Interstate Commission on Conflicting Taxation.

### Governor Ferguson Addresses the Senate.

The Chair recognized the door-keeper who introduced Governor Miriam A. Ferguson and Hon. J. H. Davis, Jr., Secretary to the Governor.

The Chair appointed Senators Hornsby, Parr and Hopkins to escort Governor Ferguson to the platform.

The Chair introduced Governor Ferguson who extended a personal invitation to the members of the Senate to attend a reception at the Governor's mansion Tuesday, April 18, from 8 to 10 o'clock p. m.

On motion of Senator Pace the invitation was accepted.

### H. J. R. No. 2.

The Chair laid before the Senate:

H. J. R. No. 2, Relative to number of Representatives from single counties.

On motion of Senator Oneal, the resolution was laid on the table subject to call.

### Messages From the House.

Hall of the House of Representatives, Austin, Texas, April 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 391, A bill to be entitled "An Act permitting water improvement districts and water control and improvement districts to borrow from the Amortization and Emergency Fund within two years; to sell or hypothecate bonds and securities in which such funds are invested, for the purpose of operating such districts, such funds to be replaced within five years with 5% interest and declaring an emergency."

S. B. No. 474, A bill to be entitled "An Act to amend Article 2547, Revised Civil Statutes of Texas, as amended by the Forty-first Legislature, at the Regular Session, and as further amended by S. B. No. 153, Acts of the Forty-third Legislature, Regular Session; and declaring an emergency."

S. B. No. 477, A bill to be entitled "An Act repealing Chapter 56, Special Laws Forty-second Legislature, Regular Session, 1931, known as H. B. 365 creating the County Court of

Potter County at Law; transferring the causes pending on the docket of said court to the County Court of Potter County and the justice courts of Potter County; making all writs and process issued out of said County Court of Potter County at Law valid and binding in the court to which the causes are transferred; and declaring an emergency."

H. B. No. 873, A bill to be entitled "An Act to amend Article 1667, Revised Statutes of 1925, as amended by House Bill No. 59, passed by the Forty-second Legislature at its Second Called Session, approved October 6, 1931, and providing that in counties containing a population of not less than 75,000, and not more than 80,000, as shown by the last preceding Federal census, and which contain navigation districts, water improvement districts, and water control and improvement districts, the county auditor shall audit books, accounts, records, bills, and warrants of such districts, and other districts created for improvement and conservation purposes which are not administered by the commissioners court of such counties; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, April 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 28 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Messrs. Alsup, Mathis, Sullivan, Reader, Walker.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

### House Bill No. 153.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Reed of Dallas, Mr. Savage and Mr. Kyle of Palo Pinto:

H. B. No. 153, A bill to be entitled "An Act amending Article 4442, Re-

vised Statutes, 1925, of the State of Texas, by adding to said Article, Section No. 5, so as to provide that when a keeper, manager, or owner of an institution defined in said article shall operate same without a license or sell or traffic in babies or permit the use of said institution for purposes other than provided in their license, they may be enjoined in a suit filed by the Attorney General, district or county attorney, or any citizen; and creating an emergency."

The three committee amendments were adopted.

Read second time.

On motion of Senator Oneal, the bill was laid on the table subject to call.

#### House Bill Referred.

H. B. No. 873 referred to Committee on Mining, Irrigation, and Drainage.

#### Point of Order.

Senator Woodward called for H. B. No. 231, set as special order following the morning call.

The Chair, Senator Woodruff, held that this bill could not be taken up at this time, even though a special order, because it was set to follow the morning call and the morning call would not be completed until the House bills on the calendar had been disposed of.

#### H. C. R. No. 21.

Senator Fellbaum called up from the table:

H. C. R. No. 21, Relative to brake-testing and weighing equipment for State Highway Patrol.

Senator Rawlings sent up the following amendment:

#### Amendment.

Amend H. C. R. No. 21 by striking out all beginning with line 20 and ending with line 56, and substituting in lieu thereof the following:

"Whereas, It is believed that many commercial motor vehicles, including those privately owned and operated as well as those operated for hire, are being used to transport loads over the highways of this State, the weight of which is in excess of that for which they have paid license fees, and

"Whereas, The safety of the traveling public is being endangered by persons driving automobiles in a careless and reckless manner, without regard for the safety and welfare of others using said highways, and

"Whereas, Many of such automobiles are inadequately and improperly equipped with lights and brake facilities, now therefore be it

"Resolved, By the House of Representatives, the Senate concurring, That the State Highway Commission be requested to equip said Highway Patrol with facilities and instruments necessary for enforcing all of said highway laws, including scales and brake testing machines, as the Highway Commission may deem necessary and proper, and that said State Highway Patrol be instructed by said State Highway Commission to enforce all of said motor vehicle laws without favor or partiality to any class or persons using the said highways; provided, however, that before any such instruments are purchased, the Legislature shall make provisions therefor in the Appropriation Bills. Be it further

"Resolved, That the Board of Control co-operate with the State Highway Commission in equipping said Highway Motor Patrol so as to eliminate from the operation of said Highway Motor Patrol the rental costs in providing equipment for said Motor Patrol to transport the instruments and facilities to be used in making such test and in weighing commercial motor vehicles."

RAWLINGS.

Read and adopted.

The resolution as amended was adopted.

Senator DeBerry asked to be recorded as voing "No."

#### House Bill No. 413.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Haag:

H. B. No. 413, A bill to be entitled "An Act providing for the government of water improvement districts organized or hereafter organized in accordance with the provisions of Chapter 247, Acts of the Fortieth Legislature, and governed by the pro-

visions of Chapter 2, Title 128, Revised Civil Statutes and amendments thereto, and which include within their area or boundaries parts of several organized water improvement districts, and/or irrigation districts, and/or water control and improvement districts, and/or irrigation plants or water plants not organized as defined districts, and providing for the operation, government, and control of such districts and of all such defined districts, irrigation and/or water plants included within such districts; providing for changing the name of such districts to include the name, 'water power control districts,' the extension of the boundaries thereof, the exclusion of land therefrom, the election and appointment of directors, the creation of debts, and the levy and collection of taxes and water charges, and fixing a lien on properties assessed, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 413 was put on its third reading and final passage by the following vote:

**Yeas—31.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

**Yeas—28.**

Beck.	Hopkins.
Blackert.	Hornsby.
Cousins.	Martin.
Duggan.	Moore.
Fellbaum.	Murphy.
Greer.	Neal.
Holbrook.	Oneal.

Pace.	Russek.
Parr.	Sanderford.
Patton.	Small.
Poage.	Stone.
Rawlings.	Woodruff.
Redditt.	Woodul.
Regan.	Woodward.

Nays—1.

DeBerry.

Present—Not Voting.

Collie.

Purl.

**Bills Signed.**

The Chair, President Pro Tem. Walter Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 435,	S. B. No. 477,
S. B. No. 391,	S. B. No. 474.

**House Bill No. 88.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Duvall, Mr. Colson, Mr. Morrison, Mr. Savage, Mr. Hill of Brazoria, and Mr. Stinson:

H. B. No. 88, A bill to be entitled "An Act to provide for liens in favor of hospitals and other institutions furnishing care, treatment, and maintenance of persons injured in accidents, upon the rights of action, claims, and demands of such injured persons against other persons or corporations for damages on account of negligence causing the injuries, and upon the proceeds of the settlements of any such claims or demands, and declaring an emergency."

The three committee amendments were adopted.

Read second time.

Senator Woodward sent up the following amendment:

Amend H. B. No. 88 by striking out of lines 21-23 and 25, the words "Employers' liability," and insert in lieu thereof in each place the words "workmen's compensation."

**WOODWARD.**

Read and adopted.

On motion of Senator Rawlings the bill was laid on the table subject to call.

**House Bill No. 99.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Johnson of Dimmit:

H. B. No. 99, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas, to deed, convey, assign, and/or transfer all right, title, and interest of whatsoever class, kind, or character directly or indirectly belonging to the State of Texas in and to that tract of land known as the 26.5-acre Park Site, situated near Con Can Post Office, in Uvalde County, Texas, to A. B. Mayhew; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 99 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Hopkins.
Blackert.	Hornsby.
Collie.	Martin.
Cousins.	Moore.
DeBerry.	Murphy.
Duggan.	Neal.
Fellbaum.	Oneal.
Greer.	Pace.
Holbrook.	Parr.

Patton.	Sanderford.
Poage.	Small.
Purl.	Stone.
Rawlings.	Woodruff.
Redditt.	Woodul.
Regan.	Woodward.
Russek.	

**House Bill No. 575.**

The Chair laid before the Senate on its second reading the following bill:

By Mrs. Hughes, Mr. Coombes, Mr. Reed of Dallas, Mr. Stinson, and Mr. Parkhouse:

H. B. No. 575, A bill to be entitled "An Act for the purpose of making plain the salute to the Texas Flag, and giving uniformity to the salute; providing a clear description of the Flag to the end that pupils in the lower grades of the elementary school will be able to draw or make the Flag; providing for the standardization of the star in the blue stripe in the dimensions used, and its position in the stripe so that uniformity shall be the result hereafter in the making of Texas Flags; describing the method of construction of the star in language that is definite and clear; and outlining rules for correct use and display of the Texas Flag, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 575 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Murphy.
Blackert.	Neal.
Collie.	Oneal.
Cousins.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.



Small.  
Stone.  
Woodruff.

Woodul.  
Woodward.

Read third time and finally passed.

#### Privileges of the Floor Granted.

On motion of Senator Poage, several students of government from South Waco Junior High School were granted the privileges of the floor.

#### House Bill No. 6.

The Chair laid before the Senate on its second reading the following bill:

By Mrs. Hughes, Mr. Clayton, and Mr. Hankamer:

H. B. No. 6, A bill to be entitled "An Act to regulate the granting of pipeline right of way easements, and the terms thereof and the rates to be charged therefor, across public lands of Texas; providing for the disposition of proceeds received from such easements, etc., and declaring an emergency."

The committee amendment was adopted.

On motion of Senator Greer, the vote by which the committee amendment was adopted was reconsidered.

Senator Purl received unanimous consent to strike out of the amendment the figure "3."

On motion of Senator Woodward, the bill was laid on the table subject to call.

#### House Bill No. 88.

Senator Holbrook called up from the table H. B. No. 88.

Senator Rawlings moved to set the bill as special order tomorrow morning at 10:30 o'clock.

#### Recess.

On motion of Senator Moore, the Senate, at 12:02 o'clock p. m., recessed until 2 o'clock p. m.

#### After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### House Bill No. 88.

The question recurred upon the motion to set H. B. No. 88 as special order.

Senator Holbrook moved to table the motion. The motion to table was lost by the following vote:

Yeas—4.

Beck.  
Duggan.

Holbrook.  
Patton.

Nays—23.

Blackert.  
Collie.  
Cousins.  
DeBerry.  
Fellbaum.  
Greer.  
Hornsby.  
Moore.  
Murphy.  
Neal.  
Oneal.  
Pace.

Parr.  
Poage.  
Purl.  
Rawlings.  
Regan.  
Russek.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Absent.

Hopkins.  
Martin.

Redditt.  
Sanderford.

The motion to set the bill as special order prevailed.

#### House Bill No. 6.

Senator Purl called up from the table H. B. No. 6.

The question recurred upon the committee amendment.

Senator Greer sent up the following substitute for the committee amendment:

Substitute for the committee amendment:

Amend H. B. No. 6 on page two of printed copy of said bill by striking out the word "may" in lines 26 and 32 of page 2 and inserting in both instances the word "shall."

GREER.

Read and adopted.

The amendment as substituted was adopted.

Senator Purl sent up the following amendments:

Amend H. B. No. 6, Section 9, line 51 by adding at the end thereof the following:

"nor shall any person or corporation owning or possessing any pipe line, tank farm loading rack and/or pumping station of the kind and character enumerated in Section 1 hereof now lying and situated on or across any section or part of a section of land of the character

enumerated in Section 1 hereof and owned by the State of Texas, who has not obtained a proper easement as herein provided for continue in possession of any such lands."

PURL.

Read and adopted.

Amend H. B. No. 6, Section 9, line 50, by striking out the word "land" and inserting in lieu thereof the following:

"Section or part of a section of land."

PURL.

Read and adopted.

Amend the caption to conform to the bill.

PURL.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 6 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Hopkins. Sanderford.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Greer.
Blackert.	Holbrook.
Collie.	Hornsby.
Cousins.	Martin.
DeBerry.	Moore.
Duggan.	Murphy.
Fellbaum.	Neal.

Oneal.  
Pace.  
Parr.  
Patton.  
Poage.  
Purl.  
Rawlings.  
Redditt.

Regan.  
Russek.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Absent—Excused.

Hopkins. Sanderford.

Senators Excused.

On motion of Senator Blackert, Senators Sanderford and Hopkins were excused for the remainder of the day on account of important business.

Pages Excused.

On motion of Senator Woodul, consent was given to excuse the Senate pages at 4 p. m. to attend a free entertainment.

House Bill No. 218.

The Chair laid before the Senate on its second reading H. B. No. 218. Read second time.

On motion of Senator Regan, the bill was laid on the table subject to call.

House Bill No. 19.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Bradley et al.:

H. B. No. 19, A bill to be entitled "An Act to amend Article 1572, Chapter 3, Title 18, Penal Code of the State of Texas, Revision of 1925, and declaring an emergency." (Relating to 54-hour week for female employees.)

Read second time.

Senator Small sent up the following amendment:

Amend H. B. No. 19 by inserting between the words "That Article" and "1572" in Section 1, line 26 of the printed copy, the following: "1569 and Article," and by adding a new paragraph between lines 27 and 28 of said printed copy as follows:

Art. 1569. Hours of work. No female shall be employed:

1. In any factory, mine, mill, workshop, mechanical or mercantile establishment, hotel, restaurant,

rooming house, theatre, moving picture show, barber shop, telegraph, telephone or other office, express or transportation company, or any State institution, or any other establishment, institution or enterprise where females are employed, for more than nine hours in any one calendar day nor more than fifty-four hours in any one calendar week.

2. In any laundry or cleaning and pressing establishment for more than fifty-four hours in one calendar week; the hours of work to be so arranged as to permit the employment of such female at any time so that she shall not work more than a maximum of eleven hours during the twenty-four hour period of one day.

3. In any factory engaged in the manufacture of cotton, woolen or worsted goods or articles of merchandise manufactured out of cotton goods, for more than ten hours in any one calendar day nor more than sixty hours in any one calendar week.

SMALL.

Read and adopted.

Senator Purl sent up the following amendment.

Amend Amendment No. 1 to H. B. No. 19 by adding after the words "barber shops" in line 3 of Section 1 the following:

"beauty shops, roadside drink and/or food vending establishments."

PURL,  
NEAL.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 19 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Hornsby.
Blackert.	Martin.
Collie.	Moore.
Cousins.	Murphy.
DeBerry.	Neal.
Duggan.	Oneal.
Fellbaum.	Pace.
Greer.	Parr.
Holbrook.	Patton.

Poage.	Small.
Purl.	Stone.
Rawlings.	Woodruff.
Redditt.	Woodul.
Regan.	Woodward.
Russek.	

Absent—Excused.

Hopkins. Sanderford.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Hopkins. Sanderford.

Amendment Ordered Printed.

Senator Woodul received unanimous consent to have printed in the Journal a proposed amendment to S. B. No. 91.

(See Appendix to today's Journal.)

House Bill No. 807.

The Chair laid before the Senate on its second reading the following bill:

By Mrs. Hughes, Mr. Moffett, Mr. Anderson of Johnson, Mr. Kyle of Hays, Mr. Metcalfe, and Mr. Moore:

H. B. No. 807, A bill to be entitled "An Act to provide for conventions to pass on amendments to the Constitution of the United States which may be now, or may be hereafter, proposed by the Congress of the United States, for ratification by conventions in the several states; setting the time of said elections; prescribing the method of nominating delegates; prescribing the manner and method in which delegates shall be elected to attend such conventions; providing the form of the ballot to be

used at such election; prescribing certain duties of the public officials of this State with reference to the conduct of such election; and declaring an emergency."

Read second time.

Senator Russek moved to lay the bill on the table subject to call.

Senator Purl moved to table the motion. The motion to table prevailed.

On motion of Senator Parr, the vote by which the motion to lay the bill on the table subject to call was tabled was reconsidered.

Senator Parr moved to set the bill as special order tomorrow morning at 11 o'clock.

Senator Woodruff inquired whether, if the motion prevailed, the bill would precede special orders already on the calendar.

The Chair, Lieutenant Governor Edgar E. Witt, held that this bill would precede the pending special orders because they had been set for action following the morning call, whereas this special order would come up during the consideration of House bills, which would be part of the morning call tomorrow.

Senator Greer moved as a substitute that the bill be set as special order Wednesday morning at 11 o'clock. The substitute motion was lost.

The original motion prevailed.

#### House Bill No. 791.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Greathouse:

H. B. No. 791, A bill to be entitled "An Act amending Subsection 14, of Article 5421-c, of the Revised Civil Statutes of Texas, same being Acts, 1931, Forty-second Legislature, Second Called Session, page 64, Chapter 40, by providing that hereafter in all condemnation proceedings, the mineral rights of the condemned party shall be superior to the surface rights of the condemning party, and in the event of any conflict where it is necessary to drill any offset well, that the surface rights shall yield to the mineral rights, and the condemning party shall immediately remove any interference or hindrance therewith, and in the event of his failure

to do so upon demand, the owner of the mineral rights shall have the right to do so, without liability; etc.; and declaring an emergency."

Committee Amendments Nos. 1 and 2 were adopted.

The bill was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 791 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hornsby.	Russek.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

Holbrook.

Absent—Excused.

Hopkins.

Sanderford.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hornsby.	Russek.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Nays—1.

Holbrook.

Present—Not Voting.

DeBerry.

Martin.

Absent—Excused.

Hopkins.

Sanderford.

**Messages From the House.**

Hall of the House of Representatives,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills:

S. B. No. 80, A bill to be entitled  
"An Act amending Article 367 of the  
Texas Penal Code, relating to de-  
manding and collecting illegal fees;  
and declaring an emergency."

S. B. No. 83, A bill to be entitled  
"An Act amending Section 5, of Ar-  
ticle 1029 of the Texas Code of  
Criminal Procedure, relating to fees  
of sheriff or constable; and declar-  
ing an emergency."

S. B. No. 269, A bill to be entitled  
"An Act appropriating the unex-  
pended balance of funds appropriated  
for the control and prevention of  
malaria by Chapter 41, Acts Regu-  
lar Session, Forty-second Legisla-  
ture, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
passed finally

S. J. R. No. 21, A joint resolution  
proposing an amendment to Sec-  
tion 1 of Article 9 of the Constitu-  
tion of the State of Texas.

Providing that the Legislature  
may by two-thirds vote create new  
counties and change the boundaries  
of existing counties; providing that  
no county shall be created with less  
than an area of 900 square miles,  
nor shall any existing county be re-  
duced to less than 900 square miles,  
unless such county shall contain a  
population of more than 50,000, ac-  
cording to the last United States  
census; providing for the submission  
of such amendment proclamation and  
publication thereof and making an  
appropriation of \$5,000.00, or so  
much as may be necessary to pay  
the expenses of such election.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 12, 1933.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has refused to concur in Senate  
amendments to H. B. No. 19, and  
requests the appointment of a con-  
ference committee to adjust the dif-  
ferences between the two Houses.  
The following are appointed on the  
part of the House:

Messrs. Bradley, Jefferson, Adam-  
son, and Bedford, Mrs. Hughes.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**House Bill No. 431.**

The Chair laid before the Senate  
on its second reading the following  
bill:

By Mr. Jackson and Mr. Hanka-  
mer:

H. B. No. 431, A bill to be entitled  
"An Act to amend Chapter 2, Title  
128, Revised Civil Statutes of Texas,  
by adding thereto, after Articles  
7700, Article 7700-a, authorizing  
the issuance of funding, refunding,  
and amortization bonds by water im-  
provement district, prescribing the  
method thereof, the terms thereof,  
and declaring an emergency."

The bill was read second time and  
passed to third reading.

On motion of Senator Regan, the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and H. B. No. 431 was put  
on its third reading and final pas-  
sage by the following vote:

**Yeas—29.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

**Absent—Excused.**

Hopkins.	Sanderford.
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Read third time and finally passed by the following vote:

## Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Hopkins. Sanderford.

## House Bill No. 21.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Daniel et al.:

H. B. No. 21, A bill to be entitled "An Act authorizing the establishment of liens on mausoleums, monuments and markers wherever erected; providing procedure, and declaring an emergency."

Read second time.

Senator Purl sent up the following amendment:

Amend H. B. No. 21 by adding the following:

"Provided that this Act shall not apply in case any mausoleum or monument contracted for within 2 years from date of the burial of the person over whose body the monument is erected, or for whose body the mausoleum is constructed."

PURL.

The amendment was read.

On motion of Senator Moore, the previous question was ordered on the pending amendment and the further consideration of the bill.

The amendment was adopted by the following vote:

## Yeas—13.

Collie.	Oneal.
Martin.	Pace.
Moore.	Poage.
Murphy.	Purl.
Neal.	Rawlings.

Russek.  
Woodul.

Woodward.

## Nays—12.

Blackert.	Parr.
Duggan.	Patton.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Stone.
Hornsby.	Woodruff.

Absent.

Beck.	DeBerry.
Cousins.	Small.

Absent—Excused.

Hopkins. Sanderford.

The bill failed to pass to third reading by the following vote:

## Yeas—8.

Duggan.	Hornsby.
Fellbaum.	Parr.
Greer.	Patton.
Holbrook.	Redditt.

## Nays—17.

Blackert.	Purl.
Collie.	Rawlings.
Martin.	Regan.
Moore.	Russek.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Poage.	

Absent.

Beck.	DeBerry.
Cousins.	Small.

Absent—Excused.

Hopkins. Sanderford.

Senator Moore moved to reconsider the vote by which the bill failed to pass to third reading.

Senator Woodward moved to table the motion to reconsider. The motion to table prevailed.

## House Bill No. 22.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Morse:

H. B. No. 22, A bill to be entitled "An Act to amend Article 5238, of Title 84, Revised Civil Statutes of

the State of Texas, 1925, relating to landlords' liens and extending the lien to include all property of any subtenant of the tenant in such residence, storehouse or other building and all property stored with or by such tenant or subtenant in such residence, storehouse or other building with the owner's permission."

Read second time.

The committee substitute was adopted.

The bill as substituted was passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 22 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Hopkins. Sanderford.

Read third time and finally passed by the following vote:

Yeas—21.

Blackert.	Parr.
Fellbaum.	Patton.
Greer.	Purl.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—3.

Collie. Woodruff.  
Rawlings.

Absent.

Beck.	Duggan.
Cousins.	Poage.
DeBerry.	

Absent—Excused.

Hopkins.

Sanderford.

#### House Bill No. 854.

Senator Neal asked unanimous consent to suspend the regular order of business and take up H. B. No. 854.

Objection was heard.

#### House Bill No. 104.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Savage, Mr. Reed of Dallas, Mr. Stinson, and Mr. Parkhouse:

H. B. No. 104, A bill to be entitled "An Act to amend Section 1, 2 and 6, Chapter 148, of the General Laws passed by the Forty-second Legislature at its Regular Session in 1931, relating to the authority of counties and incorporated cities and the Texas State Parks Board separately, and in cooperation with each other, to acquire by gift or purchase land for public parks, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 104 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Hopkins.

Sanderford.

Read third time and finally passed by the following vote:

## Yeas—25.

Beck.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

## Nays—3.

Collie.	Small.
Rawlings.	

## Present—Not Voting.

Blackert.

## Absent—Excused.

Hopkins. Sanderford.

## House Bill No. 142.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Dunagan:

H. B. No. 142, A bill to be entitled "An Act releasing the penalty and interest accrued and as now fixed by law, on all State, county, special school, school district, road district, levee improvement district, and irrigation district taxes, and taxes of other defined subdivisions of the State; suspending all laws and parts of laws in conflict herewith during the term of this Act; and declaring an emergency."

Read second time.

On motion of Senator Pace, the bill was laid on the table subject to call.

## House Bill No. 207.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Thomas:

H. B. No. 207, A bill to be entitled "An Act to amend Section 4, of Chapter 22, of the General Laws of the Thirty-ninth Legislature, Regular Session, 1925, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Duggan the constitutional rule requiring bills to

be read on three several days was suspended and H. B. No. 207 was put on its third reading and final passage by the following vote:

## Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

## Absent—Excused.

Hopkins. Sanderford.

Read third time and finally passed by the following vote:

## Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

## Absent—Excused.

Hopkins. Sanderford.

## House Bill No. 253.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Tarwater:

H. B. No. 253, A bill to be entitled "An Act amending Article 7005, Title 121, Revised Civil Statutes of the State of Texas, as amended by the Acts of 1931, Forty-second Legislature, Regular Session, page 852, Chapter 360, Section 1, exempting Bailey County and others from the provision requiring the election of



hide and animal inspector and other provisions of Chapter 7, Title 121, Revised Civil Statutes of 1925, State of Texas, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Duggan the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 253 was put on its third reading and final passage by the following vote:

**Yeas—29.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

**Absent—Excused.**

Hopkins. Sanderford.

Read third time and finally passed by the following vote:

**Yeas—29.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poags.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

**Absent—Excused.**

Hopkins. Sanderford.

**House Bill No. 82.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Stanfield:

H. B. No. 82, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121, of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5, of the Acts of the Regular Session of the Forty-first Legislature of Texas, etc., and declaring an emergency." (With reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said article the County of Armstrong.)

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Read second time.

Senator Duggan sent up the following amendment:

Amend S. B. No. 82 by inserting Dickens between DeWitt and Dimmit in Section 1.

**DUGGAN.**

Read and adopted.

Senator Small sent up the following amendment:

Amend H. B. No. 82 by inserting Parmer between Parker and Pecos in Section 1.

**SMALL.**

Read and adopted.

The bill was passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 82 was put on its third reading and final passage by the following vote:

**Yeas—29.**

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Small.
Murphy.	Stone.

Woodruff. Woodward.  
Woodul.

Absent—Excused.

Hopkins. Sanderford.

Read third time and finally passed  
by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Hopkins. Sanderford.

#### House Bill No. 242.

The Chair laid before the Senate  
on its second reading the following  
bill:

By Mr. Long, Mr. Walker, and Mr.  
Tennyson:

H. B. No. 242, A bill to be entitled  
"An Act to repeal Chapter 5, Acts  
of the Thirty-sixth Legislature, Third  
Called Session, and Chapter 34, Sec-  
tion 1 and Subsection 15, Acts of the  
Thirty-seventh Legislature, Regular  
Session."

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

Read second time.

On motion of Senator Oneal, the  
bill was laid on the table subject to  
call.

#### House Bill No. 153.

Senator Purl called up from the  
table H. B. No. 153.

On motion of Senator Hornsby, the  
bill was laid on the table subject  
to call.

#### House Bill No. 338.

Senator Fellbaum called up from  
the table the following bill:

By Mr. Holekamp:

H. B. No. 338. A bill to be entitled  
"An Act to amend Article 955, Chap-  
ter 6, Title 13, of the Penal Code of  
the State of Texas, 1925, as amended  
by Acts of 1931, Forty-second Legis-  
lature, Second Called Session, page  
20, Chapter 11, Section 1, prohib-  
iting the sale of fish taken from fresh  
water streams of certain named  
counties, and also providing means  
and methods of taking and possess-  
ing fish from fresh waters of said  
counties, and including Blanco  
County and Kendall County, and de-  
claring an emergency."

Read second time.

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

Senator Fellbaum sent up the fol-  
lowing amendment:

Amend H. B. No. 338 in Section 1,  
lines 4 and 5, by striking out the  
words "trot lines," and amend the  
caption to conform.

FELLBAUM.

Read and adopted.

The bill was passed to third read-  
ing.

On motion of Senator Fellbaum,  
the constitutional rule requiring bills  
to be read on three several days was  
suspended and H. B. No. 338 was  
put on its third reading and final  
passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Hopkins. Sanderford.

Read third time and finally passed  
by the following vote:

Yeas—29.

Beck.	Collie.
Blackert.	Cousins.

DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Absent—Excused.

Hopkins. Sanderford.

**House Bill No. 231.**

The Chair laid before the Senate on its second reading as special order the following bill:

By Mr. Greathouse, Mr. Daniel, Mr. Burns, and Mr. Butler:

H. B. No. 231, A bill to be entitled "An Act providing relief (in behalf of owners of land encumbered by liens) against immediate effect of foreclosures by providing the time when and the manner in which judgments in foreclosure and/or judgment in cases of trespass to try title may be satisfied and released and/or otherwise may become enforceable by or through writs of possession, etc.; repealing Articles 2219 and 7388 of the Revised Civil Statutes of Texas, 1925; providing for separability of terms and/or application of the Act, and declaring an emergency."

Read second time.

On motion of Senator Woodward, the bill was laid on the table subject to call.

**Senate Bill No. 139.**

Senator Woodul called up from the table the following bill:

By Senator Woodul:

S. B. No. 139, A bill to be entitled "An Act to amend Articles 6229, 6230, 6231, 6232, 6233, 6234, 6235, 6236, 6237, 6238, 6239, 6240, 6241, 6242, and 6243, Title 109, Chapter 2, of the Revised Civil Statutes of 1925, providing pension funds for employees of cities and towns over ten thousand (10,000) inhabitants in the State of Texas, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

Senator Purl asked to be recorded as voting "Nay."

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 139 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poags.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Hopkins. Sanderford.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Blackert.	Parr.
Cousins.	Patton.
Duggan.	Poage.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Stone.
Moore.	Small.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

Purl.

Present—Not Voting.

Collie. DeBerry.

Absent—Excused.

Hopkins. Sanderford.

**Senate Bill No. 488.**

The Chair laid before the Senate on its second reading out of its regular order by unanimous consent the following bill:

By Senator Pace:

S. B. No. 488, A bill to be entitled "An Act to amend S. B. No. 54, Chapter 17, pages 262 to 265 inclusive, Acts of the Fourth Called Session of the Thirty-fifth Legislature of Texas approved March 25, 1918, which said Act was amendatory of Sections 12 and 16 of the Special Road Law for Smith County, Texas, passed at the Regular Session of the Thirty-third Legislature and known as Chapter 70 of the Special Laws of said Thirty-third Legislature and which is also amendatory of Section 3 of Chapter 8 of the Special Road Law of Smith County, Texas, passed at the Regular Session of the Thirty-fourth Legislature and approved February 16, 1915, so as to further provide that each officer and witness shall be allowed to receive one-half his fees exclusive of commissions whenever a county convict shall have discharged the fine and costs adjudged against him in full by work or by work and money and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Read second time.

Senator Pace sent up the following amendment:

Amend S. B. No. 488 by striking out the words "fifty cents" and adding in lieu thereof the words "one dollar" on page 3 in Section 3 of said bill.

PACE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 488 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Fellbaum.	Patton.
Greer.	Poage.
Holbrook.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.

Regan.	Woodruff.
Russek.	Woodul.
Stone.	Woodward.
Small.	

Absent—Excused.

Hopkins.	Sanderford.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Hopkins.	Sanderford.
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House Bill No. 854.

The Chair laid before the Senate on its second reading out of its regular order by unanimous consent, the following bill:

H. B. No. 854, A bill to be entitled "An Act providing for an open season or period of time when it shall be unlawful to take or kill wild quail in certain counties; providing penalties for the violation thereof; repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 854 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Collie.
Blackert.	Cousins.

DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Absent—Excused.

Hopkins.	Sanderford.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poags.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Hopkins.	Sanderford.
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#### Senate Bill No. 355.

The Chair laid before the Senate on its second reading out of its regular order by unanimous consent the following bill:

By Senator Moore:

S. B. No. 355, A bill to be entitled "An Act to amend Article 5561 of the Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of the Forty-first Legislature, passed at its First Called Session, and found in the published laws of said Session, Chapter 101, page 243 and 244, providing that officers in lunacy cases shall be allowed the same fees as are now allowed for similar services performed in misdemeanor cases and the jurors shall each be allowed a fee of \$1.00 (one dollar), to be paid out of the estate of the defendant if he have

an estate, otherwise by the county on accounts approved by the county judge, and declaring an emergency."

Read second time.

Senator Moore sent up the following amendment:

Amend S. B. No. 355, line 24 by striking out the word "misdemeanor" and insert in lieu thereof the words "justice court."

MOORE.

The amendment was read.

Senator Stone moved to table the amendment. The motion prevailed.

The bill was passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 355 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poags.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Hopkins.	Sanderford.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poags.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

## Absent—Excused.

Hopkins. Sanderford.

## Senate Bill No. 265.

Senator Holbrook asked unanimous consent to suspend the regular order of business and take up S. B. No. 265.

Objection was heard.

## Recess.

On motion of Senator Woodward, the Senate at 6:36 o'clock p. m., recessed until 10 o'clock tomorrow morning.

## APPENDIX.

## Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 391 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 477 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 474 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

## Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 98 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

## Committee Reports.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 188, (Quail season for Falls and Johnson Counties).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 840, A bill to be entitled "An Act validating and legalizing the authorization of bonds issued by or on behalf of any county, city, district, or political subdivision of this State for the construction of seawalls; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns and declaring the result of such election, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,  
Austin, Texas, April 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 18, Proposing for the State to accept title to the DeZavala Cemetery Park.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 465, A bill to be entitled "An Act amending Chapter 101, Special Laws of the Forty-second Legislature, Regular Session, the same being known as H. B. No. 744, by amending Section 2 (d) thereof."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 405, A bill to be entitled "An Act giving to Krisch, Lanham & Walker, a partnership firm composed of Rudy Krisch, Jr., R. E. Lanham and S. P. Walker, of San Antonio, Bexar County, Texas, consent of the Legislature to sue the State of Texas and State Highway Commission for balance due under a contract dated February 2, 1931, for the improvement to Road No. 131, Job No. 136-B, in Kinney County, etc., etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 508, A bill to be entitled "An Act repealing Chapter 78, Acts of the Fortieth Legislature of the State of Texas, conferring jurisdiction of the County Court at Law of McLennan County on the County Court of said County and the powers possessed by said Court and the judge thereof on the County Court and county judge, respectively, of McLennan County, transferring pending causes and making pending processes returnable to the County

Court of McLennan County, disposing of fees of office, fixing the salary of the county judge of McLennan County and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed.

FELLBAUM, Chairman.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 502, A bill to be entitled "An Act amending Section 2, of Chapter 34 of the Acts of the First Called Session of the Forty-first Legislature of the State of Texas, so as to authorize the Commissioners Court of McLennan County to fix the salary of the road supervisor of said county, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed.

FELLBAUM, Chairman.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 775, A bill to be entitled "An Act to amend Article 199, Title 8 of the Revised Civil Statutes of 1925, Subdivision 47, as amended by Chapter 7, Acts of the Fortieth Legislature, 1927. etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Chairman.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 854, A bill to be entitled "An Act providing for an open season or period of time when it

shall be lawful to take or kill wild quail in certain counties; providing penalties for the violation thereof; repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, April 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 875, A bill to be entitled "An Act to be known as Articles 1656a and 1656b, applying to counties having a population of one hundred ninety thousand (190,000) or more according to the last preceding or any future Federal census; prescribing the authority of the county auditor with reference to the system, forms and reports to be used in connection with the receipt and disbursement of all county revenues, funds, fees and moneys received and disbursed by county and precinct officers belonging to the county, its subdivisions and precincts, including moneys collected and disbursed by, or on hand with, such officers for the benefit of individuals, firms or corporations; prescribing the time, mode and manner of making monthly, annual, or other reports to the auditor, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

WOODWARD, Chairman.

By Moore et al. H. B. No. 875.

#### A BILL

#### To Be Entitled

An Act to be known as Articles 1656a and 1656b, applying to counties having a population of one hundred ninety thousand (190,000) or more according to the last preceding or any future Federal census; prescribing the authority of the county auditor with reference to the system, forms and reports to be used in connection with the receipt and dis-

bursement of all county revenues, funds, fees, and moneys received and disbursed by the county and precinct officers belonging to the county, its subdivisions, and precincts, including moneys collected and disbursed by, or on hand with, such officers for the benefit of individuals, firms or corporations; prescribing the time, mode, and manner of making monthly, annual, or other reports to the auditor; authorizing the auditor to verify the cash on hand in support of all official reports of such officers relating to such receipts, disbursements, and balances; permitting the adoption of regulations to insure the speedy and proper collection and checking of, and accounting for all such moneys; authorizing the county auditor to require all funds to be placed in the county depository without change of ownership and prescribing regulations; requiring the district clerk and the county clerk to make sworn reports of trust funds to the county auditor of receipts, disbursements, and balances; requiring approval of the judge of the court in which such funds were deposited on all disbursements of such trust funds and requiring the countersignature of the county auditor on all checks issued for the disbursement of trust funds; providing for the repeal of all laws in conflict herewith; providing that if any part of this Act shall be declared unconstitutional, it shall not affect the validity of the remainder, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby added to Title 34, Subdivision 2, of the Revised Civil Statutes of 1925, the following to be known as Article 1656a:

"Article 1656a. The county auditor in counties having a population of one hundred ninety thousand (190,000) or more according to the last preceding or any future Federal census shall prescribe the system of accounting for the county and the forms to be used by all persons in the collection of disbursement of county revenues, funds, fees, and all other moneys, whether belonging to the county, its sub-



divisions or precincts, or to, or for the use or benefit of, any person, firm, or corporation; he shall prescribe the mode and manner in which all county and precinct officers shall keep their accounts, and he shall have the power to require all officers to furnish monthly, annual, or other reports under oath of all moneys or fees of every nature received, disbursed, or remaining on hand; and in connection with such reports he shall have the right to count the cash on hand with such officer, or to verify the amount on deposit in the bank in which such officer may have placed the same for safekeeping. He shall have the power to adopt and enforce such regulations not inconsistent with the Constitution and laws as he may deem essential to the speedy and proper collection and checking of, and accounting for, the revenues and other funds and fees belonging to the county or to any person, firm, or corporation for whom said officer may have made collections, or for whose use or benefit he may have received or may hold such funds. Should the county auditor deem it to be to the best interest of the county or deem it necessary in order that the provisions of this law may be better enforced or in order that the legislative intent to conserve the funds be carried out, he shall have the right to prescribe that all of the fees and moneys herein referred to shall be turned over to the county treasurer by such officer as collected, and such money shall be deposited in the county depository in a special fund to the credit of such officer and draw interest for the benefit of the county, which funds, when so deposited in such depository, shall be secured by the bond of such depository. Thereafter the officer may draw checks on the county treasurer to disburse said funds in the payment of salaries and expenses authorized by law or in the payment of accounts of the individuals to whom said funds may belong. The treasurer and the depository shall make no payment unless such check is countersigned by the county auditor. This provision shall not in any wise change the ownership of any fund so deposited except to indemnify said officer and his bondsmen or other owners of

such funds for such funds during the period of deposit with the county. At the close of any fiscal year or accounting period now or hereafter fixed by law, the county auditor shall audit, adjust, and settle the accounts of such officer. In the event the county auditor shall be unable to obtain proper reports or an adequate accounting from any county or precinct officer as herein provided, either during or after his term of office, the county auditor shall have authority to enforce an accounting thereof, and to take such steps as are necessary to protect the interests of the county or of the persons, firms, or corporations entitled to such funds."

Sec. 2. There is hereby added to Title 34, Subdivision 2, of the Revised Civil Statutes of 1925, the following to be known as Article 1656b:

"Article 1656b. In all counties having a population of one hundred ninety thousand (190,000) or more, according to the last preceding or any future Federal census, and in which the commissioners court may have provided, or shall hereafter provide, for a depository for the trust funds of the county clerk and of the district clerk, said officers shall each make to the county auditor in such form as he may prescribe such monthly or other reports under oath as he may require to reflect properly all trust funds received and disbursed by such officer, including all moneys remaining on hand at the time of such report. All checks issued for the disbursement of said funds shall be issued in accordance with the laws providing for trust fund depositories and such checks shall be submitted to the county auditor for his countersignature prior to delivery or payment, and said county auditor shall countersign said checks only upon written evidence of the order of the judge of the court in which said funds have been deposited, authorizing the disbursement of such funds."

Sec. 3. All laws and parts of laws in conflict herewith are hereby expressly repealed. If any section, sentence, clause or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portions

of this Act, it being the intent of the Legislature that such remaining portions shall operate as a valid law.

Sec. 4. The fact that the present laws are inadequate with respect to the checking of, and accounting for, funds and fees of the county received and disbursed by county and precinct officials, and the fact that no verification may be had of the cash to support the balances shown by official reports; and the fact that trust funds may be disbursed without the approval of any account officer; and the fact that proper accounting is not being made of moneys collected for persons, firms, and corporations other than the county, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage; and it is so enacted.

Committee Room,

Austin, Texas, April 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 45, Which would grant permission for Womack Construction Company, et al., to sue the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

HOPKINS, Chairman.

By Mr. Lemens, Mr. Anderson of Johnson, and Mr. Adamson:

H. C. R. No. 45.

Whereas, On or about July 6, 1921, the State of Texas, acting by and through its Highway Commission, and Johnson County acting by and through its commissioners court, made and entered into a legal and valid contract with Womack Construction Company, a private corporation, for the construction and completion of Federal Aid Projects Nos. 181 and 228 on State Highway No. 2-A, beginning at the Hill County line and extending through and across Johnson County to the Tarrant County line, said highway being

now designated as State Highway No. 2; and,

Whereas, Said contract provided that the cost of constructing said highway under said contract through Johnson County should and would be borne and paid, 50% by Johnson County and 50% by State and Federal Aid; and,

Whereas, Johnson County had prior thereto, and in May, 1919, voted a two-million dollar county-wide road bond issue, which bonds had been sold and the proceeds thereof deposited in The National Bank of Cleburne, which was then and continued to be the duly and legally selected county depository of the funds of Johnson County; and,

Whereas, Said Johnson County, by and through its commissioners court, had, prior to and on said July 6, 1921, allocated, designated and set aside the sum of \$410,112.58 out of the proceeds of said bond issue for the sole and express purpose of paying said county's 50% of the cost of construction of said Highway No. 2 through Johnson County under said contract with Womack Construction Company, and the State Highway Commission had designated or allotted the sum of \$300,000.00 of State and Federal Aid to the above mentioned project; and,

Whereas, On October 17, 1921, the said county depository bank failed and a receiver was appointed to administer same, at which time no portion or part of said \$410,112.58 had been expended under said contract or otherwise but all of same was still on deposit in said failed depository bank; and,

Whereas, Thereafter on December 23, 1921, Johnson County, the said Womack Construction Company, by and with the approval and at the solicitation of Johnson County and the State Highway Commission, made and entered into a modified contract with each other and with The First National Bank of Alvarado, Texas, and its subscribers, and The First National Bank of Grandview, Texas, and its subscribers, wherein in substance it was agreed that Johnson County would furnish \$44,000.00 worth of gravel already unloaded contiguous to said proposed highway and that the State Highway Commission, in addition to furnishing the original 50% State and Fed-

eral Aid, would furnish further aid to the extent of 22% of the cost of the construction of said highway, and that the said Womack Construction Company did agree to advance and carry 14% of the cost of such construction, and that the said First National Bank of Alvarado and The First National Bank of Grandview, and their subscribers to said fund, would advance and furnish 14% of the cost of construction of said highway in said county, a contract being entered into to that effect, and with the proviso and agreement that the said Womack Construction Company and the said two contracting banks and their subscribers would be repaid by Johnson County the aggregate 28% so advanced by them, and that the State Highway Commission should be reimbursed for the 22% additional advanced by it, in the construction of said highway in and through Johnson County, such payments to be made by Johnson County out of the portion of the \$410,112.58 to be recovered from said bank and its sureties on its depository bonds which amount was originally designated and set apart for the purpose of constructing said highway under said contract; and,

Whereas, Said contract was duly entered into in said modified form on said December 23, 1921, and the construction of said highway was thereafter begun on or about January 1, 1922, and was fully and finally completed according to contract in due course by said Womack Construction Company; and,

Whereas, In compliance with said modified contract the said The First National Bank of Alvarado, Texas, and the citizens of that community subscribed and paid into said construction fund the sum of \$28,886.61, and the said The First National Bank of Grandview, Texas, and the citizens of that community subscribed and paid into said fund the sum of \$20,000.00, aggregating the total sum paid by said banks and said citizens in pursuance of said contract in the amount of \$48,886.61, all of which sum was placed at the disposal of and was disbursed and paid upon said highway construction project under the sole direction and supervision of said State Highway Commission; and,

Whereas, In pursuance of said modified contract the said Womack

Construction Company advanced and paid out upon said project and in the construction of said highway in and through Johnson County the sum of \$48,145.09; and,

Whereas, No part of any of said sums of money so advanced and paid by said banks and the subscribing citizens in the said communities, and the said advancements made and paid by said Womack Construction Company, have ever been paid to said parties, or to their heirs, executors, administrators, successors or assigns, and said sums are alleged to be due and owing to said claimants; and,

Whereas, Said State Highway No. 2 was at all of said times, at all times since, and is now a State highway in the State of Texas, and the said citizens, the said two banks, and the said Womack Construction Company, under said contract claim to have advanced and paid the said aggregate of 28% of the cost of the construction of the said Highway in said Johnson County in the aggregate total sum of \$97,031.70, under said contract aforesaid; and,

Whereas, The said First National Bank of Alvarado, Texas, and the First National Bank of Grandview, Texas, in behalf of themselves and of the citizens of their respective localities who claim to have advanced and paid the said aggregate sum of \$48,886.61 in the construction of said highway under said contract have heretofore made and presented their said claims against the State of Texas, filing same with the Board of County and District Road Indebtedness created by Acts 1932, Forty-second Legislature, Third Called Session, Chapter 13, and the said Womack Construction Company has likewise filed its claim against the State of Texas with the aforesaid board, such claimants asserting that their respective claims should be paid, and allowed for payment, under the provisions of said Act above referred to; and,

Whereas, The State of Texas, acting by and through its said Board of County and District Road Indebtedness has declined to pay said claims or any part thereof, or either of them, or any part thereof, and does not desire to pass on the questions involved in said respective claims, in some instances being ques-

tions of fact which should be determined by the courts, to the end that justice might obtain between the State and the said respective claimants; and,

Whereas, Under the Constitution and laws of this State, suit can not be maintained against the State of Texas without the consent of the Legislature: Now, therefore, be it

Resolved by the House of Representatives, the Senate of Texas concurring, That permission be and the same is hereby granted to the said The First National Bank of Alvarado, Texas, its successors or assigns, and to the said The First National Bank of Grandview, Texas, its successors or assigns, each in its own behalf, and in behalf of the citizens paying into said respective funds through and in the name of the banks, each and both of them, and to said Womack Construction Company, to sue the State of Texas in one of the district courts of Travis County, Texas, on their said respective claims, and for the use and benefit of said respective claimants, and the State of Texas, acting herein by and through its Legislature, consents that such suits may be filed and maintained by said The First National Bank of Alvarado, the said The First National Bank of Grandview, and the said Womack Construction Company on the above mentioned claims respectively in one of the district courts of Travis County, Texas. Be it further

Resolved, That should said The First National Bank of Alvarado, Texas, the said The First National Bank of Grandview, Texas, and/or the said Womack Construction Company, its or their successors or assigns, or the successors or assigns of either of them, recover a judgment against the State of Texas in such suit that such judgment or judgments thus obtained, if any, shall be paid by the State through its said Board of County and District Road Indebtedness out of any funds heretofore or hereafter appropriated to, created, set aside, or designated by law for, the use of the State of Texas by and through said Board of County and District Road Indebtedness, as same is now or may hereafter be constituted by law. Be it further

Resolved, That the said The First National Bank of Alvarado, Texas, The First National Bank of Grand-

view, Texas, and the said Womack Construction Company, their successors or assigns, or the successors or assigns of either of them, shall give the necessary cost bond as in other civil suits and either party shall have the right of appeal from any judgment rendered in the court in which said suit or suits may be filed, it being expressly provided herein that all said claimants may file their respective suits under one and the same file number. Be it further

Resolved, That a certified copy of this resolution, when presented to the district court in which the suit or suits is brought, or is pending, shall be conclusive evidence that the Legislature has consented that such suit or suits may be filed and maintained on said claims, or either of them, and that the State has consented to be sued by the said First National Bank of Alvarado, Texas, and by the said First National Bank of Grandview, Texas, each in its behalf as well as for the use and benefit of the citizens subscribing and paying into said funds through said respective banks, and the heirs and assigns of said citizens so subscribing and paying, and that the State has consented to be sued by said Womack Construction Company, its successors or assigns.

Committee Room,

Austin, Texas, April 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 40, Relating to Federal tax on gasoline.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

HOPKINS, Chairman.

By Oneal.

Senate Concurrent Resolution.

Whereas, Prior to the year 1932 every state in the Union and the District of Columbia had imposed a tax upon gasoline with the rates running from two cents a gallon to seven cents a gallon for state purposes; and,

Whereas, In addition thereto the counties in some states and also cities have imposed additional taxes

upon gasoline, making the gasoline tax for state and county purposes in some counties as high as nine cents a gallon; and,

Whereas, This tax upon gasoline is a burden upon the industries and commercial life of practically every state, and any additional tax to that already levied by the states and the counties and cities thereof prior to 1932 became an additional burden to the users of gasoline and to the oil and gasoline industry; and,

Whereas, On June 21, 1932, the Federal government entered the field of gasoline taxation by imposing a one cent a gallon tax upon gasoline sold by producers and importers as an emergency measure to run to June 30, 1933; and,

Whereas, The Congress indicates that said emergency measure will be further extended to June 1, 1934; now, therefore be it

Resolved, By the Senate of Texas, the House concurring, That it is the opinion of the Legislature of the State of Texas that the Federal government should withdraw from the field of gasoline taxation, and that the Legislature of the State of Texas respectfully requests of the Federal government, either at the end of the present emergency act levying a federal tax on gasoline, or by June 1st, 1934, that it abandon this field of taxation and leave the same entirely to the states and their subdivisions; and, be it further

Resolved, That the Secretary of the Senate be instructed, upon the final passage of this resolution, to send a duly authenticated copy of the same to each member of Congress from the State of Texas, and to the Secretary of the Interstate Commission of Conflicting Taxation.

#### **Proposed Amendment Ordered Printed.**

By Senators Oneal and Woodul:

Amend S. B. No. 91 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Article 7084, Chapter 3, Title 122 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 265 of the General Laws of the Regular Session of the Forty-second Legislature, be

amended so as to hereafter read as follows:

Article 7084. Amount of Tax. (a) Except as herein provided, every domestic and foreign corporation heretofore or hereafter chartered or authorized to do business in Texas, shall, on or before May 1st of each year, pay in advance to the Secretary of State a franchise tax for the year following, based upon that proportion of the outstanding capital stock, surplus and undivided profits; plus the amount of the average monthly balance of all outstanding bonds, notes and debentures, provided, that there shall be allowed to be deducted from the total of the bonds, notes and debentures secured by an exclusive first and preferred lien on real estate situated in Texas an amount not to exceed double the assessed valuation for the calendar year next prior to said May 1st for State ad valorem taxation of the real estate securing such bonds, notes and debentures, provided, that this deduction shall be allowed only when the State ad valorem taxes on such real estate have been paid before becoming delinquent and only when a statement is furnished under oath showing the assessed valuation of such real estate, the year for which such assessment was made, and the date that the State ad valorem taxes were paid; plus the amount of the average monthly balance of all open accounts and advances of all kinds due to parent, subsidiary and affiliated corporations, less the amount of the average monthly balance due from parent, subsidiary and affiliated corporations; and plus the average monthly balance of all accounts due to other creditors; as the gross receipts from its business done in Texas bears to the total gross receipts of the corporation from its entire business, which tax shall be computed at the following rates for each one thousand (\$1000.00) dollars, or fractional part thereof: One (\$1.00) dollar to one million (\$1,000,000.00) dollars, sixty cents (60c); in excess of one million (\$1,000,000.00) dollars, thirty cents (30c); provided that such tax shall not be less than ten (\$10.00) dollars, in the case of any corporation, including those without capital stock. Where a foreign corporation applying for a permit has heretofore done no business in Texas, such tax shall

not be payable until the end of one year from the date of such permit, at which time the tax shall be computed according to first year's business; and, at the same time, such corporation shall also pay its tax in advance, based upon the first year's business, for the period from the end of the first year to and including May 1st following. It is further provided herein that each foreign corporation shall execute a bond payable to the Secretary of State guaranteeing the payment of the tax at the end of the first year at which time the tax becomes payable in advance. The bond shall be signed by sureties acceptable to the Secretary of State and in an amount as may be determined by the Secretary of State, and which amount shall be sufficient to cover the possible tax due. In all other cases, the tax shall be computed from the data contained in the reports required by Articles 7087 and 7089. Capital stock as applied to corporations without capital stock shall mean the net assets.

(b) Corporations which are now required by law to pay annually a tax upon intangible assets, corporations owning or operating street railways in or upon the public streets of any town or city, and corporations organized to maintain or owning or operating electric inter-urban railways, shall be required to hereafter pay a franchise tax equal to one-fifth ( $1/5$ ) of the franchise tax herein imposed against all other corporations under Section (a) herein.

(c) Provided, however, that this Act shall not apply to corporations organized as terminal companies not organized for profit, and having no income from the business done by them.

(d) Except as provided in preceding clauses (b) and (c), all public utility corporations, which shall include every such corporation engaged solely in the business of a public utility whose rates or service is regulated, or subject to regulation in whole or in part, by law, shall pay a franchise tax as provided in this Act, except the same shall be based on that proportion of the issued and outstanding capital stock, surplus, and undivided profits, which the gross receipts of the business of said corporation done in this State

bears to its total gross receipts, instead of the gross assets; and in lieu of the rate hereinbefore prescribed said tax shall be computed as follows:

One (\$1.00) dollar, to one million (\$1,000,000.00) dollars, sixty-five (65c) cents for each one thousand (\$1,000.00) dollars, or fractional part thereof;

Forty-five (45c) cents for each one thousand (\$1,000.00) dollars, or fractional part thereof in excess of one million (\$1,000,000.00) dollars, and not exceeding ten million (\$10,000,000.00) dollars;

And thirty-five (35c) cents for each one thousand (\$1,000.00) dollars, or fractional part thereof in excess of ten million (\$10,000,000.00) dollars.

For the purpose of computing the tax of corporations issuing no par stock, such stock shall be taken and considered as being of the value actually received at the time of the issuance thereof; and foreign corporations issuing such stock shall furnish the Secretary of State with the same information now required of domestic corporations issuing such stock.

(e) Corporations engaged partly in the business of a public utility as defined in clause (d) and partly in business embraced in clause (a) shall pay the franchise tax in the following manner: As to those businesses which come under clause (a) the tax shall be computed as provided in clause (a) on that proportion of the entire taxable capital under said clause (a) as the Texas gross receipts from such business or businesses bear to the entire Texas gross receipts of such corporation; and to those businesses which come under clause (d) the tax shall be computed as provided in clause (d) on that proportion of the entire taxable capital under said clause (d) as the Texas gross receipts from such business or businesses bear to the entire Texas gross receipts of such corporation. The period for which such gross receipts are taken shall be the same period used in computing the proration of Texas taxable capital under clause (a) and (d).

(f) Corporations which are now required to pay a separate franchise tax for each purpose or business

authorized by their charters, shall hereafter pay only the tax provided hereunder for one purpose, and one-fourth (1/4) of such amount for each additional purpose named in their charters.

# **FIFTY-NINTH DAY—(Continued).**

Senate Chamber,  
Austin, Texas,  
April 13, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

## **Senator Excused.**

On motion of Senator Martin, Senator DeBerry was excused for the day on account of illness.

## **House Bill No. 231.**

Senator Woodward called up from the table the following bill:

By Mr. Greathouse, Mr. Daniel, Mr. Burns, and Mr. Butler:

H. B. No. 231, A bill to be entitled "An Act providing relief (in behalf of owners of lands encumbered by liens) against immediate effect of foreclosures by providing the time when and the manner in which judgments in foreclosure and/or judgment in cases of trespass to try title may be satisfied and released and/or otherwise may become enforceable by or through writs of possession, etc., repealing Articles 2219 and 7388 of the Revised Civil Statutes of Texas, 1925; providing for separability of terms and/or application of the Act, and declaring an emergency."

The committee substitute was adopted.

Senator Woodward sent up the following amendments:

Amend by striking out the word "judgment" in line 43, page 4, and insert in lieu thereof the word "indebtedness."

**WOODWARD.**

Read and adopted.

Amend the bill by adding the word "real" before the word "property" in line 37 page 4.

**WOODWARD.**

Read and adopted.

Amend committee substitute by striking out subsection (d) lines 57

and 58 page 4 and insert in lieu thereof the following:

(d) That the defendant is not in arrears in the payment of taxes for more than two years next preceding the date of filing the suit on the property upon which the lien exists.

**WOODWARD.**

Read and adopted.

Amend the bill by striking out Section 10.

**WOODWARD.**

Read and adopted.

Amend committee substitute by striking out lines 2, 3, 4 and 5 on page 6.

**WOODWARD.**

Read and adopted.

Amend Section 12 of H. B. No. 231, committee substitute by striking out the word "January" and inserting in lieu thereof the word "May."

**WOODWARD.**

Read and adopted.

Amend the caption of H. B. No. 231 to conform to the body of the bill.

**WOODWARD.**

Read and adopted.

Senator Oneal sent up the following amendment:

Amend committee substitute to H. B. No. 231 by adding in Section No. 1, immediately after subdivision (a) under subdivision (1) a subdivision to be numbered subdivision No. (1-a) as follows:

"(1-a) That the lien sought to be foreclosed was not procured or obtained for the purpose of securing in part or whole any indebtedness for money or property procured by misrepresentation, fraud, defalcation or embezzlement."

**ONEAL.**

Read and adopted.

Senator Poage sent up the following amendment:

Amend committee substitute by adding thereto a new section to be known as Section —:

"The rights and benefits herein conferred on holders of real property shall in so far as they may be applicable be extended to and conferred on tenants of real property and all cases of ejection from said premises."

**POAGE.**

The amendment was read.

Senator Woodward moved to table the amendment. The motion prevailed.

The bill was passed to third reading.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 231 was put on its third reading and final passage by the following vote:

**Yeas—30.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Absent—Excused.**

DeBerry.

Read third time and finally passed by the following vote:

**Yeas—22.**

Blackert.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Neal.	Stone.
Oneal.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

**Nays—7.**

Collie.	Murphy.
Holbrook.	Pace.
Hopkins.	Small.
Hornsby.	

**Absent.**

Beck.

**Absent—Excused.**

DeBerry.

**Reason for Vote.**

I vote "Yea" on the final passage of H. B. No. 231 in order that the bill, which had already received a

sufficient number of votes to pass it, might go into immediate effect.

**REDDITT.**

**Bill Introduced.**

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Sanderford:

S. B. No. 515, A bill to be entitled "An Act to amend Article 955, Penal Code, as amended by Chapter 257, General and Special Laws, Regular Session, Forty-first Legislature, as amended by Chapter 304, General Laws, passed at the Regular Session of the Forty-second Legislature, prohibiting the sale of fish taken from fresh water streams of certain named counties providing means and method of taking and possessing fish from fresh water streams of said counties; defining offenses and prescribing the penalty for violation thereof; and omitting Bell County from the list of said counties; and declaring an emergency."

Read and referred to Committee on Game and Fish.

**Messages From the House.**

Hall of the House of Representatives, Austin, Texas, April 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 6 by a vote of 116 yeas and 0 nays.

The House has concurred in Senate Amendments to H. B. No. 575 by a viva voce vote.

The House has concurred in Senate Amendments to H. B. No. 253 by a vote of 102 yeas and 0 nays.

The House has concurred in Senate Amendments to H. B. No. 82 by a vote of 116 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, April 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:



S. B. No. 85, A bill to be entitled "An Act amending Article 1020, Texas Code of Criminal Procedure, relating to testimony in examining courts; providing for filing of such testimony with district clerks; providing for payment of fees to district clerks and county attorneys in examining trials; and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House failed to pass to third reading by a vote of 50 yeas and 63 nays:

S. B. No. 76, A bill to be entitled "An Act relating to the installation, operation and use of short wave radio receiving sets in motor vehicles, prohibiting the installation and use thereof without a permit, except by bona fide peace officers, prescribing the penalty and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 64, Relative to the suspension of Joint Rule No. 23.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Motion to Concur.

Senator Purl moved to concur in the House amendments to S. B. No. 85. The motion prevailed by the following vote:

Yeas—30.

Beck.	Greer.
Blackert.	Holbrook.
Collie.	Hopkins.
Cousins.	Hornsby.
Duggan.	Martin.
Fellbaum.	Moore.

Murphy.  
Neal.  
Oneal.  
Pace.  
Parr.  
Patton.  
Poage.  
Purl.  
Rawlings.

Redditt.  
Regan.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Absent—Excused.

DeBerry.

#### Bills Signed.

The Chair, President Pro Tem. Walter Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 269	S. J. R. No. 21
S. B. No. 80	H. B. No. 99
S. B. No. 83	H. B. No. 413

#### Committee Appointed.

The Chair announced the appointment of the following committee to make arrangements for the joint session April 21 provided for by S. C. R. No. 20:

Senators Greer, Sanderford, Pace.

#### H. C. R. No. 64.

The Chair laid before the Senate: H. C. R. No. 64, Suspending Joint Rule No. 23 on Thursday night sessions for 30 days.

Read and adopted.

#### Senate Simple Resolution No. 81.

The Chair laid before the Senate: S. S. R. No. 81, Providing for printing 1,000 additional copies of the State Auditor's report on the Available School Fund.

The resolution was read.

Senator Purl received unanimous consent to change the figures "1000" to "1500."

The resolution was adopted.

#### Executive Session.

On motion of Senator Martin, the Senate, at 12 o'clock noon, voted to go into executive session immediately.

The Chamber was cleared and the doors were locked.

#### After Executive Session.

At the conclusion of the executive session, the Secretary informed the

Journal Clerk that the following action had been taken:

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the request of the Governor to have corrected the initial of Dr. Ulmer of Tyler, Smith County, Texas, as a member of the Board of Regents for State Teachers Colleges from J. "E." to J. "G.", and I, as chairman of said committee, am instructed to report back to the Senate that the said request be in all things granted.

MARTIN, Chairman.

Adopted.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the request of the Governor to withdraw the names of the following as members of the State Board of Accountancy, to-wit:

Hon. Frank L. Wilcox, Waco, McLennan County.

Hon. S. J. Von Koenneritz, Austin, Travis County.

Hon. Robert F. Roberts, Beaumont, Jefferson County.

Hon. W. T. Chumney, San Antonio, Bexar County.

Hon. Victor Edward Buron, Texarkana, Bowie County.

Be to report that we have considered the request, and I, as chairman of said committee, am instructed to report to the Senate that the said request be in all things granted.

MARTIN, Chairman.

Approved.

Recess.

On motion of Senator Russek, the Senate, at 12:10 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of sign-

ing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 85, S. B. No. 173,  
S. B. No. 172.

House Bill No. 242.

Senator Oneal called up from the table the following bill:

By Mr. Long, Mr. Walker, and Mr. Tennyson:

H. B. No. 242, A bill to be entitled "An Act to repeal Chapter 5, Acts of the Thirty-sixth Legislature, Third Called Session, and Chapter 34, Section 1 and Subsection 15, Acts of the Thirty-seventh Legislature, Regular Session."

Senator Oneal sent up the following amendment:

Amend H. B. No. 242 by adding immediately after Section 1 another section to be numbered as Section 1-A as follows:

"Section 1-A. Immediately upon the taking effect of this Act, as provided for in Section 2, all jurisdiction of all matters and causes, civil and criminal, original and appellate, which is now within the jurisdiction of the county court of Wichita County at law will at once be transferred to, conferred upon, and will vest in the county court of Wichita County, and all powers now and heretofore existing in the county court of Wichita County at law are hereby, with the effective date of this Act, conferred on the county court of Wichita County, and all powers now and heretofore existing in the judge of the county court of Wichita County at law are hereby, upon the effective date of this Act, conferred on the county judge of Wichita County, and all cases pending at the effective date of this Act in the county court of Wichita County at law shall be and the same are hereby, on said effective date, transferred to the county court of Wichita County, and all writs and processes, civil and criminal, issued by or out of the county court of Wichita County at law prior to the effective date of this Act, shall be and the same are hereby made returnable to the county court of Wichita County as fully and effectively as if they had been originally issued out of said county court. The county clerk of Wichita County shall, upon the effective date of this

Act, transfer all matters and causes, civil and criminal, original and appellate, then in the county court of Wichita County at law to the county court of Wichita County."

ONEAL.

Read and adopted.

The bill was passed to third reading.

#### House Bill No. 88.

The Chair laid before the Senate as special order the following bill:

By Mr. Duvall, Mr. Colson, Mr. Morrison, Mr. Savage, Mr. Hill of Brazoria, and Mr. Stinson:

H. B. No. 88, A bill to be entitled "An Act to provide for liens in favor of hospitals and other institutions furnishing care, treatment, and maintenance of persons injured in accidents, upon the rights of action, claims, and demands of such injured persons against other persons or corporations for damages on account of negligence causing the injuries, and upon the proceeds of the settlements of any such claims or demands, and declaring an emergency."

Read second time.

Senator Rawlings sent up the following amendment:

Amend H. B. No. 88 by adding a new section on page 2, between lines 58 and 59, to be known as Section 4c and to read as follows:

"Sec. 4c. The provisions of this Act shall not give to any such hospital, or any person, firm or corporation claiming under it, any lien, claim, right, or demand upon the proceeds of any insurance policy in favor of the injured party, his beneficiaries, or legal representatives, and none of the provisions of this Act shall have application thereto. Provided, however, this section shall not include public liability insurance carried by the insured to protect him against loss or damage as a result of any accident or collision covered by said public liability insurance policy."

RAWLINGS.

Read and adopted.

Senator Fellbaum sent up the following amendment:

Amend H. B. No. 88 by adding on line 11, page 2 after the words "per day" the following: "for not

longer than one hundred (100) days."

FELLBAUM.

The amendment was read.

Senator Rawlings asked unanimous consent to change the amendment to read 30 days instead of 100 days.

Objection was heard.

Senator Rawlings sent up the following amendment to the amendment:

Amend the amendment by making the number of days 60 instead of 100 days.

RAWLINGS.

The amendment to the amendment was read.

Senator Holbrook moved to table the amendment to the amendment. The motion prevailed by the following vote:

Yeas—22.

Blackert.	Oneal.
Collie.	Parr.
Cousins.	Patton.
Duggan.	Purl.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Woodruff.
Neal.	Woodul.

Nays—5.

DeBerry.	Stone.
Poage.	Woodward.
Rawlings.	

Present—Not Voting.

Fellbaum.

Absent.

Beck.	Pace.
Greer.	

The amendment was adopted.

Senator Purl sent up the following amendment:

Amend H. B. No. 88 by striking out the word "fifty" in line 33, page 2, Section 4 and insert in lieu thereof the word "seventy-five" and add after the word claim in line 34 same page the following "and such fee shall be accountable as fees of office."

Amend H. B. No. 88 by adding after the word cents in line 58, Sec-

tion 4b, page 2 the following "and such fee shall be accountable as fees of office."

DeBERRY,  
PURL.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 88 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—1.

DeBerry.

Present—Not Voting.

Rawlings.

House Bill No. 807.

The Chair laid before the Senate as special order the following bill:

By Mrs. Hughes, Mr. Moffett, Mr. Anderson of Johnson, Mr. Kyle of Hays, Mr. Metcalfe, and Mr. Moore:

H. B. No. 807, A bill to be entitled "An Act to provide for conventions to pass on amendments to the Constitution of the United States which may be now, or may be hereafter, proposed by the Congress of the United States, for ratification by conventions in the several states; setting the time of said elections; prescribing the method of nominating delegates; prescribing the manner and method in which delegates shall be elected to attend such conventions; providing the form of the ballot to be used at such election; prescribing certain duties of the public officials of this State with reference to the conduct of such election; and declaring an emergency."

Read second time.

Committee Amendment No. 1 was read.

Senator Hopkins sent up the following substitute for the committee amendment:

Substitute for Committee Amendment No. 1.

Amend H. B. No. 807, page 2, Section 3, by striking out of line 3 the words "twenty-three (23) delegates each," and insert in lieu thereof the words "thirty-one (31) delegates and thirty-one (31) alternates each, such total number of delegates and such total number of alternates to be composed of one (1) delegate and (1) alternate from each of the several thirty-one senatorial districts of the State."

HOPKINS.

Read and adopted.

The amendment as substituted was adopted.

Senator Hopkins sent up the following amendments to Committee Amendment No. 1:

Amendment No. II.

Amend H. B. No. 807, page 2, Section 4, by adding after the word "delegate" in lines 30 and 31 the words "and alternate."

HOPKINS.

Read and adopted.

Amendment No. III.

Amend H. B. No. 807, page 2, Section 5 by adding after the word

"delegates" in lines 39 and 40, the words "and alternates."

HOPKINS.

Read and adopted.

Amendment No. IV.

Amend H. B. No. 807, page 2, Section 7, line 51 by adding after the word "delegates," the words "and alternates."

HOPKINS.

Read and adopted.

Amendment No. V.

Amend H. B. No. 807, page 2, Section 7, line 54 by adding after the word "delegates" the words "and alternates."

HOPKINS.

Read and adopted.

Amendment No. VI.

Amend H. B. No. 807, page 2, Section 7, line 56 by striking out the words and figures "twenty-three (23)" and inserting in lieu thereof the following, viz.: "thirty-one (31) delegates and thirty-one (31) alternates."

HOPKINS.

Read and adopted.

Amendment No. VII.

Amend H. B. No. 807, page 3, by adding in the left-hand column in the form of the ballot prescribed under the words "For Ratification of the above amendment" the word "Delegates" and under said word "Delegates" after leaving ample space for the names of such delegates the word "Alternates," such delegates and alternates to be numbered 1 to 31, both numbers inclusive.

HOPKINS.

Read and adopted.

Amendment No. VIII.

Amend H. B. No. 807, page 3, by adding in the right-hand column in the form of the ballot prescribed under the words "Against ratification of the above amendment," the word "Delegates," and under said word "Delegates," after leaving ample space for the names of such delegates the word "Alternates," such delegates and alternates to be numbered 1 to 31, both numbers inclusive.

HOPKINS.

Read and adopted.

Amendment No. IX.

Amend H. B. No. 807, page 3, Section 9, line 30 by striking out the words and figures "twenty-three (23) candidates" and inserting in lieu thereof the following, viz.:

"Thirty-one (31) delegates and the thirty one (31) alternates."

HOPKINS.

Read and adopted.

Amendment No. X.

Amend H. B. No. 807, page 3, Section 10, line 35 by striking out the words and figures "twenty-three (23) persons" and insert in lieu thereof the following, viz.:

"Thirty-one (31) delegates and the thirty-one (31) alternates."

HOPKINS.

Read and adopted.

Amendment No. XII.

Amend H. B. No. 807, page 3, Section 7, lines 11 and 12 by striking out the words and figures "twenty-three (23) candidates," and inserting in lieu thereof the following, viz.:

"Thirty-one (31) delegates and thirty-one (31) alternates."

HOPKINS.

Read and adopted.

Senator Poage sent up the following amendment to committee amendment No. 1:

Amend committee amendment No. 1 by adding: "and the delegates and alternates from each senatorial district shall be voted on only by the voters of such senatorial district and no name shall appear on the ballot in any senatorial district except one delegate and one alternate, each of whom shall be a resident of such district."

POAGE.

The amendment was read and lost by the following vote:

Yeas—15.

Beck.	Oneal.
Collie.	Pace.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Redditt.
Moore.	Woodruff.
Murphy.	Woodward.
Neal.	

## Nays—16.

Blackert.	Patton.
Cousins.	Rawlings.
Fellbaum.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Parr.	Woodul.

Senator Purl sent up the following amendment to committee amendment No. 1:

Amend committee amendment No. 1 to H. B. No. 807 by adding the following: "Candidates for the office of delegate to the convention shall be citizens and residents of this State and duly qualified voters in the senatorial district in which they offer their candidacy for election."

PURL.

Read and adopted.

Committee Amendment No. 1 was substituted and amended was adopted.

Committee Amendment No. 2 was read and adopted.

Committee Amendment No. 3 was read.

Senator Poage sent up the following amendment to the amendment:

Amend Committee Amendment No. 3, as amended, by striking out the words and figures "first Tuesday after the first Monday in November, 1933," and insert in lieu thereof the following: "fourth Saturday in July, 1933."

POAGE.

The amendment to the amendment was read.

Senator Hornsby sent up the following amendment to the amendment to the committee amendment:

Amend Poage amendment by striking out July wherever it appears and insert the word August in each instance.

HORNSBY.

Read and adopted.

The amendment to the amendment as amended was lost by the following vote:

## Yeas—15.

Beck.	Hornsby.
Cousins.	Moore.
DeBerry.	Murphy.
Duggan.	Neal.

Oneal.  
Poage.  
Purl.  
Redditt.

Small.  
Woodruff.  
Woodward.

## Nays—16.

Blackert.	Parr.
Collie.	Patton.
Fellbaum.	Rawlings.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Stone.
Pace.	Woodul.

Committee Amendment No. 3 was adopted.

Senator Pace moved to reconsider the vote by which the amendment (as amended) to Committee Amendment No. 3 was lost.

The motion prevailed by the following vote:

## Yeas—16.

Beck.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Poage.
Greer.	Purl.
Hornsby.	Redditt.
Moore.	Woodruff.
Murphy.	Woodward.

## Nays—14.

Blackert.	Patton.
Collie.	Rawlings.
Fellbaum.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Stone.
Parr.	Woodul.

Absent.

Small.

The amendment to Committee Amendment No. 3 was adopted by the following vote:

## Yeas—17.

Beck.	Oneal.
Cousins.	Pace.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Redditt.
Hornsby.	Small.
Moore.	Woodruff.
Murphy.	Woodward.
Neal.	

## Nays—14.

Blackert.	Fellbaum.
Collie.	Holbrook.

Hopkins.	Regan.
Martin.	Russek.
Parr.	Sanderford.
Patton.	Stone.
Rawlings.	Woodul.

Committee Amendment No. 4 was read and adopted.

Committee Amendment No. 5 was read and adopted by the following vote:

Yeas—19.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Redditt.
Duggan.	Sanderford.
Greer.	Small.
Hornsby.	Woodruff.
Moore.	Woodward.
Neal.	

Nays—12.

Fellbaum.	Patton.
Holbrook.	Rawlings.
Hopkins.	Regan.
Martin.	Russek.
Murphy.	Stone.
Parr.	Woodul.

Committee Amendment No. 6 was read.

Senator Hopkins sent up the following substitute for the amendment:

Substitute for Committee Amendment No. 6.

Amend H. B. No. 807, page 3, by adding a new sentence at the end of Section 11 to read as follows, viz.:

"In the event any delegate to such conventions, after he has been duly elected, shall die, resign, become incapacitated or fail to attend such convention, then and in any such event the alternate of such delegate shall act in the stead of said delegate with the full and complete powers of said delegate."

HOPKINS.

Read and adopted.

The amendment as substituted was adopted.

Senator Purl sent up the following amendment to the bill:

Amend H. B. No. 807, page 3, Section 10, line 1, by striking out the words and figures "forty-fifth (45th)" and inserting in lieu thereof "Ninetieth (90th)."

PURL.

Read and adopted.

Senator Woodward sent up the following amendments:

Amendment No. 1.

Amend the bill by adding after the word "delegate" in line 14, page 2 the words "and alternate" and by adding after the word "delegate" in line 18 the words, "and alternate," and adding after the word "delegate" in line 22 the words, "and alternate."

WOODWARD.

Read and adopted.

Amendment No. 2.

Amend by adding after the word "nominee" line 23, page 2 the following: "or with the Secretary of State, which affidavit shall be filed within 15 days after the date of the filing of the list of delegates and alternates with the Secretary of State by the respective chairmen of the conventions."

WOODWARD.

Read and adopted.

Amendment No. 3.

Amend by striking out of line 14 page 2 the words "to nomination" and strike out the word "nominated" in line 18, page 2, and insert the word "eligible" in lieu thereof.

WOODWARD.

Read and adopted.

Senator Hopkins sent up the following amendment:

Amend the caption of H. B. No. 807 to conform to the body of the bill.

HOPKINS.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 807 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Greer.
Blackert.	Holbrook.
Collie.	Hopkins.
Cousins.	Hornsby.
DeBerry.	Martin.
Duggan.	Moore.
Fellbaum.	Murphy.

Neal.	Regan.
Oneal.	Russek.
Pace.	Sanderford.
Parr.	Small.
Patton.	Stone.
Poage.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.
Redditt.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

#### Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, April 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the following committee has been appointed in compliance with the provisions of S. C. R. No. 20 (Relative to a joint session of the House and Senate to accept the picture of Major-General Henry T. Allen):

Messrs. Alexander, Coombes, Metcalfe, Moore, Steward.

The House has passed the following bills:

S. B. No. 127, A bill to be entitled "An Act amending Article 3773, 1925 Civil Statutes, so as to provide that a judgment in courts of record will not become dormant where execution has issued on such judgment within ten years after its rendition, and declaring an emergency."

(With amendments.)

S. B. No. 172, A bill to be entitled "An Act amending Article 2039A, Chapter 3, Title 42, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of

the Forty-first Legislature, relating to the service of process on the State Highway Commissioner and designating said officer as the agent for such purposes in suits against non-residents for injuries inflicted within this State by non-resident operators of motor vehicles or motorcycles, so as to extend, cover and include not only the owners of said motor vehicles but likewise their agents, servants or employees operating the same; and providing for the service of such process on the State Highway Commissioner and his successor in office, and providing for notice of the service thereof to be forwarded to the owner, his agent, servant or employee; defining the duties of the Chairman of the State Highway Commission in such instances and regulating the manner of taking judgment in such instances, and declaring an emergency."

By Senator Woodward:

S. B. No. 173, A bill to be entitled "An Act providing for the certification of questions of law by trial courts of Courts of Civil Appeals and by such courts to the Supreme Court, and for the appeal by litigants from orders of trial courts overruling or sustaining general or special exceptions involving the constitutionality or validity of laws, orders, rules and regulations of State officers, boards, and other commissions; providing the means and manner thereof; providing the rights, powers and duties of such courts, and providing generally for the enforcement hereof, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, April 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 88 by a vote of 108 yeas and 18 nays.

The House has adopted the following resolution:

H. C. R. No. 65, Authorizing the enrolling clerk of the House to correct the caption of H. B. No. 431.

The House has passed the following bills and resolutions:



S. B. No. 263, A bill to be entitled "An Act authorizing the State Forester under the general supervision of the Board of Directors of the Agricultural and Mechanical College to cooperate and execute agreements with the Federal Forest Service, other Federal agencies and timberland owners, involving cooperative forest protection and development projects when such action is required by Federal statute or policy and declaring an emergency."

S. B. No. 435, A bill to be entitled "An Act amending Article 1027, Code of Criminal Procedure, as amended by Chapter 205, General Laws, Regular Session, Forty-second Legislature, so as to provide that no officer shall collect any fees from the State of Texas in any case, except murder, where a defendant may, under the indictment, be convicted of a misdemeanor or a felony with punishment assessed at a fine, jail sentence or both such fine and imprisonment in jail, until after the case has been finally disposed of; providing that the provisions of this Act shall not be construed as in any way affecting the provisions of Article 1019, Code of Criminal Procedure, as amended by Chapter 205, General Laws, Regular Session, Forty-second Legislature; and declaring an emergency."

(With amendments.)

S. B. No. 436, A bill to be entitled "An Act amending Article 273, Code of Criminal Procedure of the State of Texas for 1925, by adding thereto subsection 6, providing that the bail bond of an accused shall be conditioned that the principal and sureties will pay all expenses incurred by peace officers in re-arresting the principal in the event the conditions of the bond are violated and he fails to appear before the court or magistrate on the day stated; that such expense shall be in addition to the principal amount of the bond; that the failure of the bond to contain the condition specified herein shall not affect its legality, but that the peace officer shall look only to the bondsmen for expenses incurred by him in re-arresting an accused who has violated the conditions of his bond; and declaring an emergency."

S. B. No. 437, A bill to be entitled "An Act amending Article 26, Chapter 2, Title 1, Code of Criminal Pro-

cedure, relating to the duties of county attorneys; prescribing their compensation for representing the State, either alone or aiding the district attorney in the prosecution of felony cases, including habeas corpus hearings, where the relator is charged with an offense of the grade of felony, in the district court; providing that such compensation shall be deducted from the compensation allowed district attorneys; and declaring an emergency."

S. B. No. 438, A bill to be entitled "An Act to amend Article 47, Chapter 2, Title 1, Code of Criminal Procedure, so as to provide that when a district clerk fails, neglects or refuses to make any report required of such officer by the Attorney General, that the Attorney General shall notify in writing the Comptroller of Public Accounts of such failure, neglect or refusal, whereupon the Comptroller shall refuse to issue any warrant which may be due to such district clerk until such report is made, and declaring an emergency."

S. B. No. 92, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of 1925, as amended by Section 2, Chapter 26, of the Acts of the Forty-second Legislature, First Called Session, prohibiting the waste of gas by escape and requiring the confinement thereof under the terms and conditions of said article; providing for the utilization of gas containing hydrogen sulphide or other foreign substance, for purposes other than light or fuel, to the extent of 25 per cent of the open flow of the wells producing such gas; giving the Commission authority to permit such utilization in excess of 25 per cent of the open flow after hearing; and, providing that such utilization shall not constitute waste; affixing penalty for violation thereof; repealing all laws in conflict therewith, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### S. C. R. No. 41.

Senator Moore sent up the following resolution:

Whereas, S. B. No. 85 has passed the Senate and House and is now in the Governor's office, and

Whereas, There are some correc-

tions to be made in said bill, therefore be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Governor be and is hereby requested to return S. B. No. 85 to the Senate for further consideration, and be it further

Resolved, That the presiding officer of the Senate and House be directed to erase their signatures from the enrolled copy of S. B. No. 85.

BECK,  
PURL,  
DeBERRY,  
MOORE.

The resolution was read.

By unanimous consent, the rule requiring resolutions to be referred before consideration was suspended.

The resolution was adopted.

#### Request to Set Special Order.

Senator Parr asked unanimous consent to set S. B. No. 459 as special order Monday immediately following the morning call.

Objection was heard.

#### Committee Appointed.

Senator Rawlings moved that a committee be appointed to provide for the hanging of the pictures of Judge McLean and General Allen. The motion prevailed.

The Chair appointed Senators Rawlings, Greer, and Pace.

#### H. C. R. No. 65.

The Chair laid before the Senate: H. C. R. No. 65, Authorizing correction of H. B. No. 431.

Read and adopted.

#### Conference Committees Appointed.

The Chair appointed the following free conference committees:

Senate conferees on H. B. No. 28: Small, Collie, Patton, Poage, and DeBerry.

Senate conferees on H. B. No. 19: Small, Murphy, Hopkins, Neal, and Rawlings.

#### Free Conference Requested.

Senator Murphy moved not to concur in House amendments to S. B. No. 127, and request the appointment of a free conference committee. The motion prevailed.

#### Recess.

Senator Pace moved to recess until 8 o'clock tonight. The motion prevailed and at 6:12 o'clock p. m., the Senate recessed.

#### After Recess.

The Senate met at 8 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Senate Bill No. 508.

The Chair laid before the Senate on its second reading the following bill:

By Senator Poage:

S. B. No. 508, A bill to be entitled "An Act repealing Chapter 78, Acts of the Fortieth Legislature of the State of Texas, conferring jurisdiction of the county court at law of McLennan County on the county court of said county and the powers possessed by said court and the judge thereof on the county court and county judge, respectively, of McLennan County, transferring pending causes and making pending processes returnable to the county court of McLennan County, disposing of fees of office, fixing the salary of the county judge of McLennan County, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 508 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poags.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed.

**Senate Bill No. 58.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodward:

S. B. No. 58, A bill to be entitled "An Act to give further certainty to appellate jurisdiction by adding to the Revised Statutes, Article 1840a, providing for waiver and cure of objection as to the various notices and bonds required for its perfection, and declaring an emergency."

The two committee amendments were adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 58 was put on its third reading and final passage by the following vote:

**Yeas—30.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poags.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Absent—Excused.**

DeBerry.

Read third time and finally passed by the following vote:

**Yeas—29.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poags.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

**Absent.**

Purl.

Absent—Excused.

DeBerry.

**Senator Excused.**

Senator DeBerry was excused for the evening on account of illness, on motion of Senator Sanderford.

**Senate Bill No. 292.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodul:

S. B. No. 292, A bill to be entitled "An Act to amend Article 2832, Title 49, of the Revised Civil Statutes of 1925, as amended by S. B. No. 47, approved August 12, 1931, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 292 was put on its third reading and final passage by the following vote:

**Yeas—29.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

**Absent.**

Purl.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

**Yeas—29.**

Beck.	Collie.
Blackert.	Cousins.

Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Absent.

Purl.

Absent—Excused.

DeBerry.

**Senate Bill No. 382.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 382, A bill to be entitled "An Act to amend Article 1321, Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 382 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

**House Bill No. 775.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Stanfield:

H. B. No. 775, A bill to be entitled "An Act to amend Article 199, Title 8, of the Revised Civil Statutes of 1925, Subdivision 47, as amended by Chapter 7, Acts of the Fortieth Legislature, 1927, by amending Sections 4, 5, and 6, of Chapter 7, Acts of the Fortieth Legislature, page 10, and providing for the restoration of jurisdiction of civil business to the District Court of the Forty-seventh Judicial District, in Potter County, providing for the perpetuation of said Forty-seventh District Court, and clothing said district court with general jurisdiction of district courts in all of the counties comprising said judicial districts; providing for the continuance in office of the Judge of the One Hundred and Eighth District Court, and the Judge and District Attorney of the said Forty-seventh District Court, during the term for which elected; providing for a clerk and court reporter to handle civil business in said court, in Potter County; for transfer of civil business by the respective judges of said courts; to continue in effect writs, process, bonds, recognizances, orders, decrees, and judgments; fixing the time of taking effect of this Act; repealing laws in conflict therewith; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 775 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

#### Senate Bill No. 318.

The Chair laid before the Senate on its second reading the following bill:

By Senator Sanderford:

S. B. No. 318, A bill to be entitled "An Act making certain emergency appropriations out of general rev-

nue of the State Treasury to the Department of Agriculture to print farm census data; for payment of electroplates, etchings, and materials purchased; for salary of Mrs. Avon Garrett, one month; and for printing such farm data in bulletin form to be distributed by using franking privileges permitted by joint agreement between the Department of Agriculture and United States Crop Reporting Service, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Sanderford, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 318 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

**Senate Bill No. 500.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Hornsby:

S. B. No. 500, A bill to be entitled "An Act amending Article 8183, and Article 8184, Chapter 7, Title 128, Revised Civil Statutes of the State of Texas, 1925, providing for the dissolution of drainage districts, water improvement districts, and all other reclamation districts created for the conservation, reclamation and protection of the natural resources of the State of Texas, and providing more fully for the liquidation, settlement and payment of all established and valid indebtedness of such districts at the time of its dissolution, and providing for the payment of taxes against the persons and property assessed and assessable in such district with bonds, coupons, and indebtedness of said district, which may have been approved by the commissioners court; and providing for the payment of all taxes and the settlement of all liability of the owner or owners of property in such district through payment in bonds and/or coupons or approved accounts of said district, so that the party and parties so paying and the property upon which payment is made shall be relieved from all further liability for or on account of any and all indebtedness of such district and from further payment of taxes, and providing for the giving and recording of release, in such event, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 500 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Greer.
Blackert.	Holbrook.
Collie.	Hopkins.
Cousins.	Hornsby.
Duggan.	Martin.
Fellbaum.	Moore.

Murphy.	Redditt.
Neal.	Regan.
Oneal.	Russek.
Pace.	Sanderford.
Parr.	Small.
Patton.	Stone.
Poage.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

**Senate Bill No. 392.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Regan:

S. B. No. 392, A bill to be entitled "An Act authorizing and empowering the State Highway Commission to exchange land or interests heretofore conveyed to the State of Texas either for right-of-way, or for the use of the people of Texas for camping accommodations and party purposes under the provisions of the Act known and published as Chapter 37 of the General and Special Laws of the First Called Session of the Fortieth Legislature, page 110, for other lands or interests therein adjacent to or accessible from the State highway referred to in said Act, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Regan, the

constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 392 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Corsins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

#### Senate Bill No. 499.

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 499. A bill to be entitled "An Act amending Chapter 5 of the General and Special Laws of the State of Texas passed by the Forty-second Legislature, being known as House Bill No. 6 of said session, being An Act providing for open season

on squirrel in Angelina and Tyler Counties, providing a penalty and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 499 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

#### Senate Bill No. 473.

The Chair laid before the Senate on its second reading the following bill:

By Senator Rawlings:  
S. B. No. 473, A bill to be entitled "An Act providing that the wife of any husband who shall wilfully desert, neglect, or refuse to provide for her support and maintenance when she is in necessitous circumstances, or that the child of any parent who shall wilfully desert, neglect, or refuse to provide for the support and maintenance of his or her child or children, under the age of sixteen years, shall have the right, by filing an affidavit of such fact, to have the offending party brought before the district judge of the county in which such aggrieved person may reside, and show cause why adequate support should not be furnished by said husband or parent, and providing that said district judge or district court may make proper provision for the support of such aggrieved person or persons, and that said orders may be enforced as in contempt proceedings; and declaring an emergency."

The committee substitute was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Rawlings, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 473 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Collie.
Blackert.	Cousins.

Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Absent—Excused.

DeBerry.

#### Senate Bill No. 471.

The Chair laid before the Senate on its second reading the following bill:

By Senator Purl:

S. B. No. 471, A bill to be entitled "An Act to safeguard against the irresponsible practice of the profession of architecture; defining and regulating the practice of architecture: creating a Board of Architectural Examiners; providing for appointment; fixing the terms of office; providing for appointment of their successors and for filling vacancies; fixing the qualifications of the members of said board; requiring such members to take the oath of office and file same with the Secretary of State; providing for the election of various officers of said board; requiring the bonding of the secretary-treasurer; providing for the adoption of necessary rules, regulations, and by-laws of said board to govern its proceedings and activities; prescribing the duties of the various members of said board; providing for the fees collected by said board to be deposited in a special fund in the State Treasury; providing for an appropriation from said fund to pay salaries, compensations and other expenses of said board; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 471 was put on its third reading and final passage by the following vote:



## Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Nays—1.

Holbrook.

## Absent—Excused.

DeBerry.

Read third time and finally passed  
by the following vote:

## Yeas—23.

Beck.	Patton.
Blackert.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	

## Nays—6.

Collie.	Moore.
Holbrook.	Poage.
Hornsby.	Woodward.

## Present—Not Voting.

Pace.

## Absent—Excused.

DeBerry.

## House Bill No. 399.

The Chair laid before the Senate  
on its second reading the following  
bill:

By Mr. Tillery:

H. B. No. 399, A bill to be entitled  
"An Act permitting the taking of  
pelts of fur-bearing animals for the  
purpose of sale in Nacogdoches  
County, during the months of Decem-

ber and January; making it unlaw-  
ful to take such pelts or to employ a  
steel trap for taking any fur-bearing  
animal during any other months than  
December and January; providing a  
penalty; repealing all laws or parts  
of laws in conflict with this Act, and  
declaring an emergency."

The rule requiring committee re-  
ports to lie over one day was sus-  
pended by unanimous consent.

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

The committee amendment was  
adopted.

The bill was read second time and  
passed to third reading.

On motion of Senator Patton, the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and H. B. No. 399 was put  
on its third reading and final pas-  
sage by the following vote:

## Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

DeBerry.

Read third time and finally passed  
by the following vote:

## Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

**House Bill No. 188.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hodges:

H. B. No. 188, A bill to be entitled "An Act to repeal House Bill No. 32, Acts, First Called Session, Forty-second Legislature, which provides a special quail season for Falls and Johnson Counties; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 188 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Martin.
Blackert.	Moore.
Collie.	Murphy.
Cousins.	Neal.
Duggan.	Oneal.
Fellbaum.	Pace.
Greer.	Parr.
Holbrook.	Patton.
Hopkins.	Poage.
Hornsby.	Purl.

Rawlings.  
Redditt.  
Regan.  
Russek.  
Sanderford.

Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Absent—Excused.

DeBerry.

**Senate Bill No. 295.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 295, A bill to be entitled "An Act to regulate the sale of insecticides and fungicides, prohibiting their adulteration, misbranding or misrepresentation, forbidding the use of certain materials, providing for the collection and analysis of samples, statements of sales and shipments, the expenses of the enforcement of the law, fixing penalties for its violation, and declaring an emergency."

Read second time.

The three committee amendments were adopted.

Senator Woodward sent up the following amendments:

Amend S. B. No. 295 substituting in Section 2, for lines 41 to 48 inclusive the following:

"No label shall be accepted for registration which bears a name or description of the product that will lead to uncertainty, confusion or fraud as to the purpose for which the material is intended."

WOODWARD.

Read and adopted.

Amend Section 1 by adding the following: "All ground insecticides or fungicides prepared for dusting purposes shall in addition to the above, also show on container or label the degree of fineness to which such materials are ground, expressed in terms of percentages, passing screens of definite mesh."

PARR.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 295 was put on its third reading and final passage by the following vote:

## Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

## Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

DeBerry.

## Senate Bill No. 334.

The Chair laid before the Senate on its second reading the following bill:

By Senator Pace:

S. B. No. 334, A bill to be entitled "An Act to amend Articles 1111, 1112, 1113 and 1114 of the Revised Civil Statutes of Texas for 1925 and amendments thereof as passed by the Fortieth Legislature found in Chapter 194, page 276, of the Regular Session of the Fortieth Legislature and as amended by Chapter 32, Acts of the Third Called Session of the Forty-second Legislature at page 96 of the Acts of the Third Called Session of the Forty-second Legislature

providing for the character of repairs and extensions necessary to render efficient service which shall be a first lien and charge upon the incomes of the particular utility which is repaired or extended, and providing that bonds issued under the provision of this Act may be approved by the Attorney General and registered by the Comptroller and declaring an emergency."

Read second time.

Senator Pace sent up the following amendment:

Amend Section 3, S. B. No. 334, by adding at the end of said section on page 2 the following:

It shall be the duty of the mayor of such city or town to install and maintain, or cause to be installed and maintained, a complete system of records and accounts showing the free service rendered, and the value thereof, and showing separately the amounts expended and/or set aside for operation, salaries, labor, materials, repairs, maintenance, depreciation, replacements, extensions, interest, and the creation of a sinking fund to pay off such bonds and indebtedness.

It shall likewise be the duty of the superintendent or manager of such plant to file with the mayor of such city or town, not later than February first, a detailed report of the operations of such plant for the year ending January first preceding, showing the total sums of money collected and the balance due, as well as the total disbursements made and the amounts remaining unpaid as the result of operation of such plant during such calendar year.

Failure or refusal on the part of the mayor to install and maintain, or cause to be installed and maintained, such system of records and accounts within ninety (90) days after the completion of such plant, or on the part of such superintendent or manager, to file or cause to be filed such report, shall constitute a misdemeanor and, on conviction thereof, such mayor or superintendent or manager shall be subject to a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); and any taxpayer or holder of such indebtedness residing within such city or town shall have the right, by appropriate civil action in the district

court of the county in which such city or town is located, to enforce the provisions of this Act as amended.

PACE.

Read and adopted.

Amend Section 3, S. B. No. 334, by striking out of Article 1113 the following: "Provided that only such repairs and extensions as are necessary to keep the plant or utility in operation, or such as might be needed to meet some physical accident or condition which otherwise would impair the original securities, shall be a lien prior to any existing lien," and insert in lieu thereof the following: "Provided that only such repairs and extensions, as in the judgment of the governing body of such city or town, are necessary to keep the plant or utility in operation and render adequate service to such city or town and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair the original securities, shall be a lien prior to any existing lien."

PACE.

Read and adopted.

Amend caption of S. B. No. 334 to conform to the body of the bill.

PACE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 334 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—1.

Collie.

Absent—Excused.

DeBerry.

Employees Excused.

On motion of Senator Woodward, the Senate voted to excuse the employees of the Senate post office and mailing room from working on Easter Sunday.

Senate Bill No. 253.

The Chair laid before the Senate on its second reading the following bill:

By Senator Oneal:

S. B. No. 253, A bill to be entitled "An Act to regulate the operation of corporations organized and incorporated under a pre-existing law in this State without capital stock and not for profit, which law has been amended or repealed or reenacted, and which were operating and carrying on in this State immediately prior to January 1st, 1933, the statewide business of mutually protecting or insuring the lives of their members by assessments made upon their members; and providing that local mutual aids operating under the terms of Chapter 274, Acts of 1929, Forty-first Legislature, page 563, may comply with the terms of this Act; and revoking, repealing and canceling the charters of such corporations except local mutual aids failing to comply with this Act and forever prohibiting said corpo-

rations from doing business in this State and providing for their liquidation; and revoking, repealing and canceling the charters of all mutual relief or benefit associations exempt from the insurance laws of this State under the provisions of Article 2971a, Revised Statutes of 1879, and Article 3096 and 3096w of the Revised Statutes of 1895, failing to comply with the terms of this Act, and forever prohibiting said associations from doing business in this State, and providing for the liquidation of same; and excepting certain insurance companies and associations from the provisions of this Act and providing that no other insurance laws unless expressly mentioned shall apply to the corporations operating under this Act; and providing penalties for the violations hereof; and declaring an emergency."

The 14 committee amendments were adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 253 was put on its third reading and final passage by the following vote:

**Yeas—30.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Absent—Excused.**

DeBerry.

Read third time and finally passed by the following vote:

**Yeas—30.**

Beck.	Fellbaum.
Blackert.	Greer.
Collie.	Holbrook.
Cousins.	Hopkins.
Duggan.	Hornsby.

**Absent—Excused.**

Martin.	Rawlings.
Moore.	Redditt.
Murphy.	Regan.
Neal.	Russek.
Oneal.	Sanderford.
Pace.	Small.
Parr.	Stone.
Patton.	Woodruff.
Poage.	Woodul.
Purl.	Woodward.

DeBerry.

**Senate Bill No. 247.**

The Chair laid before the Senate on its second reading the following bill:

By Senators Neal, Beck, Redditt, Parr, Russek, and Moore:

S. B. No. 247, A bill to be entitled "An Act creating a physical restoration service for crippled children in the Vocational Rehabilitation Division of the State Department of Education; providing for the powers and duties of said service; granting unto said service power to establish diagnostic clinics and to designate hospitals for the care, treatment and hospitalization of crippled children; and to pay the costs thereof in cases of indigent children; designating the county judge as the agency to determine and certify who are indigent children, and to make the necessary appropriation for carrying out the provisions of this Act; and declaring an emergency."

Read second time.

The committee amendment was adopted.

Senator Neal sent up the following amendments:

**Amendment No. 1.**

Amend S. B. No. 247, Section 3, line 14, by striking out the word "Board" and inserting the word "Department."

NEAL.

Read and adopted.

**Amendment No. 2.**

Amend S. B. No. 247, Section 4, line 4, by inserting the word "State" between the words "the" and "Department."

NEAL.

Read and adopted.

## Amendment No. 3.

Amend S. B. No. 247, Section 5, line 4, by inserting the word "State" between the words "the" and "Department."

NEAL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 247 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

## Senate Bill No. 185.

The Chair laid before the Senate on its second reading the following bill:

By Senator Moore:

S. B. No. 185, A bill to be entitled "An Act amending paragraph No. (5) of Section 5 (Art. 4875a-5), of Chapter 274 of the General Laws of the Regular Session of the Forty-first Legislature and which relates to the regulation of local mutual aid associations paying death benefits operating an assessment insurance benefit association and paying benefits, wherein the funds are provided by collection from the members; defining the law and the manner under which such associations may operate, and said paragraph No. (5) of Section 5, which provides for the number of persons necessary to have given applications for membership in the association; the amount to be collected from each member; the showing to be made to the Board of Insurance Commissioners of Texas; a bond prescribed as a prerequisite to the organization of such associations and the amount and condition of said bond; the bond to be filed and approved before a certificate of authority is issued to said association or corporation for the conduct of the business of a local mutual aid association, and declaring an emergency."

The three committee amendments were adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 185 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

#### Pages Excused.

On motion of Senator Purl, the Senate pages, at 9:30 o'clock p. m., were excused for the day.

#### Senate Bill No. 412.

The Chair laid before the Senate on its second reading the following bill:

By Senator Martin:

S. B. No. 412, A bill to be entitled "An Act amending Article 7076 of the Revised Civil Statutes of Texas, 1925, relating to the recovery of money and penalties due the State of Texas; providing for the venue in such suits; and declaring an emergency."

Read second time.

Senator Martin sent up the following amendments:

Amend S. B. No. 412 by adding in Section 1, after the words "Courts of Travis County" the following:

"It is further provided that for the purpose of carrying out the terms of this Act, said State Tax Board shall have the authority to examine, at the head office in the United States of any person, firm, agent, or corporation permitted to do business in this State, all books, records and papers and also any officers or employees thereof under oath, and failure or refusal of any person, firm, agent, or corporation to permit such examination shall immediately forfeit the charter or per-

mit to do business in this State until such examination as is required to be made is completed. The State Tax Board or any authorized assistant thereof shall not make public or use said information derived in the course of said examination of said books, records and papers and/or officers or employees except for the purpose of some judicial proceeding for the collection of delinquent taxes in which the State of Texas is a party."

Amend the caption of the above bill to conform.

MARTIN.

Read and adopted.

Amend paragraph 2 of Section 1 to read "25 per cent" instead of "40 per cent," and amend caption to conform.

MARTIN.

Read and adopted.

On motion of Senator Martin, the bill was laid on the table subject to call.

#### Message From the House.

Hall of the House of Representatives, Austin, Texas, April 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 41, Recalling S. B. No. 85 from the Governor's office for further consideration.

S. B. No. 195, A bill to be entitled "An Act to apportion the State of Texas into congressional districts, naming the counties composing the same and providing for the election of a member of the Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

(With amendments.)

S. B. No. 192, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Sterling County, to conform to the jurisdiction of the district court thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

H. B. No. 360, A bill to be entitled "An Act to amend Article 451, of the Code of Criminal Procedure,

1925, relating to the taking of bail in felony cases; providing that in cases of arrest for felony less than capital, the sheriff may take the bail, and providing a manner of requiring new bail after indictment, if insufficient bail has been taken, and declaring an emergency."

H. B. No. 361, A bill to be entitled "An Act to amend Section 13 of Chapter 280, of the General Laws of the Forty-first Legislature of Texas, Regular Session, relating to water control and improvement districts. This Act will in nowise change the provisions of Section 13, but does propose to insert therein, immediately after subdivision (2) thereof, a paragraph to be subdivision (3) of said section, and to provide that: In case such a district has not completed its works in accordance with its plan for improvements; has not money from other sources adequate to complete its work as planned, but has acquired property or lands found not to be reasonably required to carry out the plans, the proceeds of the sale of such property or land may be applied to the completion of the works contemplated by the district's plans for improvements. Also declaring an emergency."

H. B. No. 407, A bill to be entitled "An Act providing for proof of the execution of attested or witnessed instruments or writings which are not required by law to be attested or witnessed, and declaring an emergency."

H. B. No. 408, A bill to be entitled "An Act providing for evidence of handwriting by comparison, and declaring an emergency." (Relative to trial of any civil case.)

H. B. No. 882, A bill to be entitled "An Act providing for open season for the taking and killing of squirrels in Kaufman County, Texas, during the months of October, November, and December of each year."

H. B. No. 884, A bill to be entitled "An Act providing for an open season on squirrels in Liberty and Hardin Counties, providing a penalty, and declaring an emergency."

H. J. R. No. 30, Proposing an amendment to Article VII, of the Constitution of the State of Texas, so as to authorize the taxation of lands belonging to the University of Texas, for county, or school district

purposes; and providing for valuation of these lands by State Tax Board; and providing for the payment of such taxes by the State of Texas, to the proper authorities of the counties where said lands are located; providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

H. J. R. No. 41, Proposing an amendment to Section 5, of Article II, of the Constitution of Texas, permitting a city that has adopted and amended its charter as provided in Section 5, of Article II, to alter, amend, or repeal its charter once in every six months, providing for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor.

H. J. R. No. 42, Proposing amendments to Section 30, of Article XVI, of the Constitution of Texas, permitting elected officials of a city that has adopted and amended its charter as provided in Section 5, of Article II, of the Constitution of Texas, by amendment to such city's charter to hold office not exceeding four (4) years; providing for its submission to the voters of the State of Texas, as required by the Constitution, and making an appropriation therefor.

H. B. No. 57, A bill to be entitled "An Act to authorize the commissioners court of any county in this State, where the constitutional limit of taxes for general purposes has been levied, having an unexpended balance to the credit of the road and bridge fund from funds derived from license tax, registration fees, or other tax on motor vehicles, to transfer such unexpended balance, or any portion thereof, to the general fund of the county, etc., and declaring an emergency."

H. B. No. 62, A bill to be entitled "An Act to amend Article 1778, of Chapter 6, of Title 37, and Article 1871, of Chapter 5, of Title 39, of the Revised Civil Statutes of 1925, relating to the time for returning executions for costs issued from the Supreme Court, and Courts of Civil Appeals; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 71, A bill to be entitled "An Act to amend Article 1302, of



the Revised Civil Statutes of Texas of 1925, by adding thereto a subdivision to be known as No. 95, to read as follows: 'Subdivision 95. Corporations may be created for, or after being created, charters may be amended to include the construction, maintenance, and operation of radio broadcasting equipment and stations,' and declaring an emergency."

H. B. No. 74, A bill to be entitled "An Act to amend Article 2549, of the Revised Civil Statutes of Texas, for 1925, so that the requirements and provisions of said article shall remain and be the same as at the present, except that it shall provide that the funds deposited by the tax collector of each county shall bear interest on daily balances 'at the rate, if any, fixed for such deposits of the tax collector by the commissioners court in its order designating such depository or depositories,' etc., and declaring an emergency."

H. B. No. 262, A bill to be entitled "An Act amending Article 497 of the Penal Code of the State of Texas, by striking out the words 'after the death of her mother' immediately following the words 'her mother's husband'; and by striking out the words 'after the death of her daughter' immediately following the words 'her daughter's husband' (relating to marriage rights), and declaring an emergency."

H. B. No. 182, A bill to be entitled "An Act to amend Article 6834 and Article 6835, Title 118, of the Revised Civil Statutes of the State of Texas of 1925, by striking out the phrase of 'two-thirds of the taxpayers' wherever the same appears therein and inserting in lieu thereof the clause 'two-thirds majority of the resident property taxpayers voting thereon,' and declaring an emergency."

H. B. No. 97, A bill to be entitled "An Act amending Article 841 of the Code of Criminal Procedure of the State of Texas, 1925, so as to provide that the clerk of a court from which an appeal is taken shall prepare a transcript in duplicate in every case, the copy to be filed in the trial court with the original papers in the case, and declaring an emergency."

H. B. No. 275, A bill to be entitled "An Act providing for a game breeder's license, the fee for same; effec-

tive date of such licenses; the privileges granted under such license, with certain restrictions; providing for keeping of record of the operation of game breeders; providing certain regulations in reference to the transportation of game, etc., and declaring an emergency."

H. B. No. 278, A bill to be entitled "An Act to amend Article 333, of the Penal Code of the State of Texas, relating to interfering with custody of girls committed to Girls' Training School; to repeal all laws in conflict therewith, and declaring an emergency."

H. B. No. 294, A bill to be entitled "An Act to amend Article 2029, Chapter 3, of the Revised Civil Statutes of 1925 (relating to service of citation on officers or agents of associations, etc., in suits against such associations, corporations, etc.), and declaring an emergency."

H. B. No. 296, A bill to be entitled "An Act to amend Article 1685, of the Revised Civil Statutes of Texas, 1925, providing for quarterly and annual reports of the county auditor to the commissioners court, and district judge, or judges, of his county; providing for contents of said report; providing for the time of filing, and declaring an emergency."

H. B. No. 303, A bill to be entitled "An Act to regulate the operation of corporations organized and incorporated under a pre-existing law in this State without capital stock and not for profit, which law has been amended or repealed or re-enacted, and which were operating and carrying on in this State immediately prior to January 1, 1933, the statewide business of mutually protecting or insuring the lives of their members by assessments made upon their members; and providing that local mutual aids, operating under the terms of Chapter 274, Acts of 1929, Forty-first Legislature, page 563, may comply with the terms of this Act; and revoking, repealing, and canceling the charters of such corporations except local mutual aids failing to comply with this Act, and forever prohibiting such corporations from doing business in this State, and providing for their liquidation; and revoking, repealing, and canceling the charters of all mutual relief or benefit associations exempt from the insurance laws of this State

under the provisions of Article 2971-a, Revised Statutes of 1879, and Article 3096 and 3096-w, of the Revised Statutes of 1895, failing to comply with the terms of this Act, and forever prohibiting said associations from doing business in this State, and providing for the liquidation of same; and excepting certain insurance companies and associations from the provisions of this Act, etc., and declaring an emergency."

S. B. No. 409, A bill to be entitled "An Act repealing Articles 52-146, 52-147, 52-148, 52-149, 52-150, 52-151, 52-152, 52-153, 52-154, 52-155, and 52-156, of the Revised Civil Statutes of Texas, 1925, and Chapter 104 of the Local and Special Laws of Texas passed at the Regular Session of the Thirty-second Legislature, relating to and creating the 'County Court of Galveston County at Law'; transferring the jurisdiction of this court to the District Court of the Tenth Judicial District of Texas; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 14.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hornsby:

S. B. No. 14, A bill to be entitled "An Act to amend Article 2549 of the Revised Civil Statutes of Texas for 1925 so that the requirements and provisions of said article shall remain and be the same as at the present, except that it shall provide that funds deposited by the tax collector of each county shall bear interest on daily balances at the rate, if any, fixed for such deposits of the tax collector by the commissioners court in its order designating such depository or depositories, instead of at the same rate as such depository or depositories have undertaken to pay for the use of county funds, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 14 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

#### Senate Bill No. 118.

The Chair laid before the Senate on its second reading the following bill:

By Senators Moore and Russek:

S. B. No. 118, A bill to be entitled "An Act to amend Article 514, Revised Civil Statutes, as amended, Acts Forty-first Legislature, First Called Session; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 118, was put on its third reading and final passage by the following vote:

## Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

DeBerry.

Read third time and finally passed  
by the following vote:

## Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

DeBerry.

## Senate Bill No. 133.

The Chair laid before the Senate  
on its second reading the following  
bill:

By Senators Hopkins and Russek:  
S. B. No. 133, A bill to be entitled  
"An Act providing for the appoint-  
ment by the district judge of the  
25th Judicial District of Texas, com-  
posed of the counties of Guadalupe,  
Gonzales, Colorado and Lavaca, or  
the judge of the judicial district of  
which the counties of Guadalupe,  
Gonzales, Colorado and Lavaca are  
a part thereof, of an official short-  
hand reporter for such district; pro-  
viding his qualification; providing  
that the salary of the said official

shorthand reporter shall be fixed and  
determined by the judge of said dis-  
trict and not otherwise; providing  
for the manner of payment of said  
salary and out of what fund; pro-  
viding for transcript fees and allow-  
ance for expenses as provided in  
Chapter 56, H. B. 276, Acts Regu-  
lar Session of the Forty-first Legis-  
lature, 1929, which allowances, as  
now provided by law being fixed and  
established as a part of this Act;  
declaring this Act to be a special  
act, notices thereof having been duly  
published and exhibited as required  
by law, and declaring an emer-  
gency."

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

The bill was read second time and  
passed to engrossment.

On motion of Senator Hopkins, the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and S. B. No. 133 was put  
on its third reading and final pas-  
sage by the following vote:

## Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

DeBerry.

Read third time and finally passed  
by the following vote:

## Yeas—30.

Beck.	Martin.
Blackert.	Moore.
Collie.	Murphy.
Cousins.	Neal.
Duggan.	Oneal.
Fellbaum.	Pace.
Greer.	Parr.
Holbrook.	Patton.
Hopkins.	Poage.
Hornsby.	Purl.

Rawlings.	Small.
Redditt.	Stone.
Regan.	Woodruff.
Russek.	Woodul.
Sanderford.	Woodward.

Absent—Excused.

DeBerry.

**Senate Bill No. 265.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 265, A bill to be entitled "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas the sum of eleven hundred seventy and 20/100 (\$1170.20) dollars, not otherwise appropriated, to cover taxes due by the State of Texas to the Brazoria Independent School District covering the years from 1929 to 1932; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 265 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Cousins.
Blackert.	Duggan.
Collie.	Fellbaum.

Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

Absent—Excused.

DeBerry.

**Senate Bill No. 315.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Fellbaum:

S. B. No. 315, A bill to be entitled "An Act providing for the appointment of an official court reporter in and for each district court of Bexar County, either civil or criminal, by the judge of each district court of said county, either civil or criminal; providing the qualifications; providing that the salary of each of said official court reporters shall be fixed and determined by the judge so appointing such court reporter, and not otherwise; providing for the manner of payment of said salary, and out of what fund; providing for transcript fees; declaring this Act to be a special Act, notices thereof having been duly published and exhibited as required by law and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Fellbaum, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 315 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Martin.
Blackert.	Moore.
Collie.	Murphy.
Cousins.	Neal.
Duggan.	Oneal.
Fellbaum.	Pace.
Greer.	Parr.
Holbrook.	Patton.
Hopkins.	Poage.
Hornsby.	Purl.

Rawlings.	Small.
Redditt.	Stone.
Regan.	Woodruff.
Russek.	Woodul.
Sanderford.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed  
by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

#### Senate Bill No. 465.

The Chair laid before the Senate  
on its second reading the following  
bill:

By Senator Hopkins:

S. B. No. 465, A bill to be entitled  
"An Act amending Chapter 101, Spe-  
cial Laws of the Forty-second Legis-  
lature, Regular Session, the same be-  
ing known as H. B. No. 744, by  
amending Section 2 (d) thereof, etc.,  
and declaring an emergency."

The bill was read second time and  
passed to engrossment.

On motion of Senator Hopkins, the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and S. B. No. 465 was put  
on its third reading and final pas-  
sage by the following vote:

Yeas—30.

Beck.	Holbrook.
Blackert.	Hopkins.
Collie.	Hornsby.
Cousins.	Martin.
Duggan.	Moore.
Fellbaum.	Murphy.
Greer.	Neal.

Oneal.	Regan.
Pace.	Russek.
Parr.	Sanderford.
Patton.	Small.
Poage.	Stone.
Purl.	Woodruff.
Rawlings.	Woodul.
Redditt.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed  
by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

#### Senate Bill No. 167.

The Chair laid before the Senate  
on its second reading the following  
bill:

By Senator Duggan:

S. B. No. 167, A bill to be entitled  
"An Act providing limiting the time  
within which ad valorem taxes may  
be collected by the State, any county,  
municipality, or other defined sub-  
division, and declaring an emer-  
gency."

Read second time.

Senator Duggan sent up the fol-  
lowing amendments:

Amend S. B. No. 167 by striking  
out all of Sections 1 and 2 and in-  
serting in lieu thereof the following:

"Section 1. That Article 7298, Re-  
vised Civil Statutes of Texas, 1925,  
as amended by Chapter 81, Acts of  
the Forty-first Legislature, Second  
Called Session, same being S. B. No.  
169, as amended by Chapter 252 of  
the General Laws of the Acts of the  
Forty-second Legislature, Regular

Session, the same being S. B. No. 132, and the same is hereby amended to read hereafter as follows:

"All ad valorem taxes due the State of Texas, any county, city, independent school district, or any other subdivision thereof, for the year 1920 or for any year or years prior thereto are hereby declared released and forever extinguished and no claim shall hereafter ever be asserted by the State of Texas, or any county, city, independent school district, or any other subdivision thereof, for said taxes and all tax collectors shall note on their tax rolls that said taxes have been released; provided the provisions of this Act shall not apply where judgment has heretofore been rendered in favor of the State or any county, city, independent school district, or any other subdivision thereof, or suit pending for taxes due for one or more of said years.

"Sec. 2. The crowded condition of the calendar, the near approach of the close of this session and the importance of this legislation, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is hereby so enacted'."

DUGGAN.

Read and adopted.

Amend S. B. No. 167 by amending the caption thereof to conform to the amendments of the bill.

DUGGAN.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Duggan, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 167 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Holbrook.
Blackert.	Hopkins.
Collie.	Hornsby.
Cousins.	Martin.
Duggan.	Moore.
Fellbaum.	Murphy.
Greer.	Neal.

Oneal.  
Pace.  
Parr.  
Patton.  
Poage.  
Purl.  
Rawlings.  
Redditt.

Regan.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.  
Blackert.  
Collie.  
Cousins.  
Duggan.  
Fellbaum.  
Greer.  
Holbrook.  
Hopkins.  
Hornsby.  
Martin.  
Moore.  
Murphy.  
Neal.  
Oneal.

Pace.  
Parr.  
Patton.  
Poage.  
Purl.  
Rawlings.  
Redditt.  
Regan.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Absent—Excused.

DeBerry.

#### House Bill No. 840.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Nicholson, Mr. McDougald, and Mr. McKee:

H. B. No. 840, A bill to be entitled "An Act validating and legalizing the authorization of bonds issued by or on behalf of any county, city, district, or political subdivision of this State, for the construction of seawalls; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns, and declaring the result of such election; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was

suspended and H. B. No. 840 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

#### Senate Bill No. 274.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodul:

S. B. No. 274, A bill to be entitled "An Act regulating petitions in suits for divorce to require such petitions to state whether there are children under sixteen years of age, and if so, to give full information as to such minors, making it the duty of the courts having jurisdiction of such suits to inquire into the status of

such children, if divorce be granted; empowering such courts to make orders and decrees for their support and maintenance until they reach sixteen years of age; to determine and fix the amounts to be paid, the time of payment, to whom to be made, to have authority to enforce all decrees by contempt proceedings, and to have control of such decrees, to alter them when justice requires, to ascertain the ability to pay, to enforce the duty of a father to support his children after divorce, presenting the procedure, and declaring an emergency."

Read second time.

On motion of Senator Woodul, the bill was laid on the table subject to call.

#### Senate Bill No. 483.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 483, A bill to be entitled "An Act providing for the creation of water supply districts pursuant to Section 59, Article 16, of the Constitution, etc., and declaring an emergency."

The committee substitute was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 483 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

S. C. R. No. 28.

The Chair laid before the senate: S. C. R. No. 28, Granting E. B. Sullivan and W. W. Hawkins permission to sue the State.

Read and adopted.

Senate Bill No. 296.

The Chair laid before the Senate on its second reading the following bill:

By Senator Beck:

S. B. No. 296, A bill to be entitled "An Act to amend Chapter 97, of the General Laws of the Forty-second Legislature, Regular Session, regulating the production, sale, dispensation and other traffic in narcotic drugs as defined herein; making exception; providing for the identification of said drugs and the containers thereof and for the execution of prescriptions and orders therefor; providing for the confinement, treatment and parole of persons addicted to such drugs; providing for the making of reports by persons affected by this Act; providing for the revocation of the licenses of physicians for violating the provisions hereof; regulating the planting, cultivating and use of drug producing plants and declaring as common nuisances places resorted to by drug addicts and prohibiting the visiting of such places; providing for the seizure of conveyances of said drugs; providing generally

the means and methods of enforcement and for the prosecution and confinement of persons violating the provisions hereof; providing for presumptions and burden of proof; prescribing offenses, fines, penalties and punishment; providing for the adoption of rules and regulations and for the enforcement of certain provisions by the State Board of Health and the State Health Officer and for the seizure of drugs; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Read second time.

Senator Beck sent up the following amendment:

Amend S. B. No. 296, line 18, after the words State Health Officer, insert "and the Board of Control."

BECK.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 296 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Greer.
Blackert.	Holbrook.
Collie.	Hopkins.
Cousins.	Hornsby.
Duggan.	Martin.
Fellbaum.	Moore.



Murphy.	Redditt.
Neal.	Regan.
Oneal.	Russek.
Pace.	Sanderford.
Parr.	Small.
Patton.	Stone.
Poage.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.

Absent—Excused.

DeBerry.

#### Senate Bill No. 274.

Senator Woodul called up from the table S. B. No. 274.

The bill was read second time and passed to engrossment.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 274 was put on its third reading and final passage by the following vote:

#### Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

#### Yeas—30.

Beck.	Murphy.
Blackert.	Neal.
Collie.	Oneal.
Cousins.	Pace.
Duggan.	Parr.
Fellbaum.	Patton.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.

Sanderford.	Woodruff.
Small.	Woodul.
Stone.	Woodward.

Absent—Excused.

DeBerry.

#### House Bills Referred.

H. J. R. No. 30, referred to Committee on Constitutional Amendments.

H. J. R. No. 41, referred to Committee on Constitutional Amendments.

H. J. R. No. 42, referred to Committee on Constitutional Amendments.

H. B. No. 57, referred to Committee on State Affairs.

H. B. No. 62, referred to Committee on Civil Jurisprudence.

H. B. No. 71, referred to Committee on Towns and City Corporations.

H. B. No. 74, referred to Committee on State Affairs.

H. B. No. 97, referred to Committee on Criminal Jurisprudence.

H. B. No. 182, referred to Committee on State Affairs.

H. B. No. 262, referred to Committee on Criminal Jurisprudence.

H. B. No. 275, referred to Committee on Game and Fish.

H. B. No. 278, referred to Committee on Criminal Jurisprudence.

H. B. No. 294, referred to Committee on Civil Jurisprudence.

H. B. No. 296, referred to Committee on Counties and County Boundaries.

H. B. No. 303, referred to Committee on Towns and City Corporations.

H. B. No. 360, referred to Committee on Criminal Jurisprudence.

H. B. No. 361, referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 407, referred to Committee on Civil Jurisprudence.

H. B. No. 408, referred to Committee on Civil Jurisprudence.

H. B. No. 882, referred to Committee on Game and Fish.

H. B. No. 884, referred to Committee on Game and Fish.

#### S. C. R. No. 38.

The Chair laid before the Senate: S. C. R. No. 38, Relative to purchase of land by San Antonio State Hospital.

Read and adopted.

Senator Holbrook moved to reconsider the vote by which the resolution was adopted and spread the motion on the Journal.

### Senate Bill No. 20.

Senator Hornsby called up from the table the following bill:

By Senator Hornsby:

S. B. No. 20, A bill to be entitled "An Act fixing the time for making election returns by presiding judges in general and special elections, and amending Article 3123 so as to fix the time for making precinct and county election returns in party primary elections; fixing a penalty for the failure to make such returns within the time prescribed by this Act; and declaring an emergency."

Senator Hornsby received unanimous consent to amend the bill and caption by adding the emergency clause.

The bill was passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 20 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Duggan.
Blackert.	Fellbaum.
Collie.	Greer.
Cousins.	Holbrook.

41—Jour.

Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.
Murphy.	Russek.
Neal.	Sanderford.
Oneal.	Small.
Pace.	Stone.
Parr.	Woodruff.
Patton.	Woodul.
Poage.	Woodward.

Absent—Excused.

DeBerry.

### Senate Bill No. 287.

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 287, A bill to be entitled "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas the sum of one thousand, three hundred, thirty-two and 42/100 (\$1,332.42) dollars, not otherwise appropriated, to cover taxes due by the State of Texas to the Freeport Independent School District covering the years from 1928 to 1932, inclusive; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 287 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed  
by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

#### Senate Bill No. 268.

The Chair laid before the Senate  
on its second reading the following  
bill:

By Senator Beck:

S. B. No. 268, A bill to be entitled  
"An Act making an appropriation to  
pay taxes due by the State of Texas  
to Bowie County, Texas, for the years  
1928 to 1932, inclusive, on lands  
owned by the Texas Prison System,  
and declaring an emergency."

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

The committee amendment was  
adopted.

The bill was read second time and  
passed to engrossment.

On motion of Senator Beck, the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and S. B. No. 268 was put  
on its third reading and final pas-  
sage by the following vote:

Yeas—30.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.

Russek.  
Regan.  
Sanderford.  
Small.

Stone.  
Woodruff.  
Woodul.  
Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed  
by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

#### Senate Bill No. 109.

The Chair laid before the Senate  
on its second reading the following  
bill:

By Senator Cousins:

S. B. No. 109, A bill to be entitled  
"An Act defining pasture rights and  
regulating the use of pasture and  
the number of cattle per acre in the  
County of Jefferson, in cases where  
different owners of land in the same  
enclosure pasture cattle thereon."

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

Read second time.

The committee amendment was  
adopted.

Senator Cousins sent up the fol-  
lowing amendment:

Amend S. B. No. 109, page 1 line  
3, by striking out the word "five"  
and insert the word "four."

COUSINS.

Read and adopted.

The bill was passed to engross-  
ment.

Senators Purl, Martin, Holbrook,  
and Hornsby asked to be recorded as  
voting "No."

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 109 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed.  
Senators Purl, Collie, Hornsby, Rawlings, Holbrook and Stone asked to be recorded as voting "No."

#### Reason for Vote.

I vote "Yea" on S. B. No. 109 simply because it is a local bill and I feel that the Senator from Jefferson should have what he and his people want. I think the bill unusual but as it is a local bill I will not object.

POAGE.

#### House Bill No. 667.

Senator Oneal called up from the table the following bill:

By Mr. Ross (by request):

H. B. No. 607, A bill to be entitled "An Act making it unlawful for any employer to make or enforce, or attempt to make or enforce, any order, rule, or regulation, or to adopt any other device or method to prevent the employee from engaging in political activities, accepting nomination, or election to, or the holding of political office, or from holding a position as a member of any political committee; or soliciting or receiving funds for political purposes; etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 667 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry.

#### Motion to Reconsider.

Senator Fellbaum called up from the Journal the motion to reconsider the vote by which S. C. R. No. 38 was adopted.

Senator Fellbaum moved to table the motion to reconsider.

#### Recess.

On motion of Senator Stone, the Senate, at 10:54 o'clock p. m., recessed until 10 o'clock tomorrow morning.

**APPENDIX.****Committee on Enrolled Bills.**

Committee Room,  
Austin, Texas, April 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 172 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, April 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 173 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, April 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 85 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 80 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 269 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. J. R. No. 21 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 83 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

**Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, April 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 488 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, April 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 355 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, April 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 139 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 509, A bill to be entitled "An Act amending subdivision 37 of Art. 199 of the Revised Civil Statutes of Texas, providing for changes in the time for terms of court in the, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODUL, Chairman.

Committee Room,  
Austin, Texas, April 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 510, A bill to be entitled "An Act to amend Chapter 6, Title 42, of the Revised Civil Statutes of the State of Texas, which said chapter relates to rules of practice and procedure in certain district courts, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODUL, Chairman.

Committee Room,  
Austin, Texas, April 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 399, A bill to be entitled "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Nacogdoches and Angelina Counties during the months of December and January; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed, with the following committee amendment No. 1:

After the word "device" in line 5 of Section 1, add the following: "upon one's own property, or upon the property leased for said purposes by written lease duly filed for record in the office of the county clerk of said county."

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 487, A bill to be entitled "An Act defining 'warehouse-men' and 'warehouse,' names and words associated therewith; and providing for licensing and bonding of same and the manner of securing license

and bond and exempting certain warehouses; and providing for the procedure thereof; and providing for the Commissioner of Agriculture to supervise warehouses; and to approve forms of receipts, records and certificates, and providing for records to be kept, and for the inspection of same; for salaries and qualifications and for bonding of same and prescribing their duties; providing for examination fees, fixing the amount of same and to whom payable; providing for the disposition of same to the State Treasurer in a special fund; providing for forced liquidation of insolvent warehouse-men; providing for method of handling grain in excess of storage capacity; providing for forfeitures and penalties for violation of provisions of this Act and for violating certain provisions of Chapter 4, Title 93, Revised Civil Statutes of 1925; making failure to obey law a penal offense and fixing punishment therefor; providing for the interpretation of this Act; repealing Chapters 1, 2, and 3, Article 5661, and subsection 10, Article 5613, Chapter 4, Title 93 Revised Civil Statutes 1925, and any other laws in conflict with this Act and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POAGE, Chairman.

Committee Room,  
Austin, Texas, April 13, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 478, A bill to be entitled "An Act to amend Articles 1670 and 1673 of the Revised Civil Statutes of the State of Texas, 1925, which articles relate to the prescription of a system and the forms to be used for receipts and disbursements of navigation districts, and the method of appointment and payment of assistants to the county auditor in counties of more than 330,000 population, having a navigation district or other improvement districts, in cases in which said assistants are required for services in auditing the accounts of such districts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, April 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 29, Proposing an amendment to Subsection (a) of Section 20, Article 16, of the Constitution of Texas, providing that vinous and malt liquors of not more than 3.2 per cent alcoholic content by weight shall not be prohibited by said section; providing that the amendment shall be self-enacting, authorizing the Legislature to provide other regulations; providing for the submission of such amendment to the voters, for the proclamation and publication thereof, making an appropriation for the expenses of such election, and authorizing the submission of other matters at such election."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

ONEAL, Chairman.

Committee Amendment.

Amend S. J. R. No. 29 by striking out of Section 2 the words "first Tuesday after the first Monday in November," and inserting in lieu thereof the following: "fourth Saturday in August."

Committee Room,

Austin, Texas, April 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 492, A bill to be entitled "An Act to amend Chapter 8, Title 78, Revised Civil Statutes of 1925, permitting the organization of fraternal benefit societies on a limited basis; providing the requirements that must be met before permit shall be issued to such society by the Insurance Department of the State of Texas; providing that a society or-

ganized under this provision shall be subject to all the provisions of Chapter 8 that are applicable; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute in lieu thereof, do pass and be printed.

PURL, Chairman.

C. S. S. B. No. 492.

#### A BILL

To Be Entitled

An Act to amend Chapter 8, Title 78, Revised Civil Statutes of 1925, permitting the organization of fraternal benefit societies on a limited basis; providing requirements to be met before permit is issued to such society by the Insurance Department of Texas; limiting operation of such societies to the State of Texas; providing that societies organized hereunder shall be subject to all provisions of Chapter 8, Revised Statutes of 1925, not in conflict herewith, limiting the operation of this provision; repealing all laws in conflict; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 8, Title 78 of the Revised Civil Statutes of 1925, be amended by adding thereto a new provision to be known as Article 4838-a, which shall read as follows:

Article 4838-a. Societies may be incorporated in the manner prescribed by this Chapter for the organization of fraternal benefit societies, which shall have power only to transact business within the State of Texas and to issue certificates providing for a maximum benefit of not exceeding three hundred (\$300.00) dollars on the weekly or monthly premium plan. Such society or societies shall be issued a certificate of authority in accordance with the provisions of this Chapter. When it shall have received five hundred (500) bona fide applications on which at least one monthly payment has been made, which said payments in the aggregate shall in no case be

less than eight hundred (\$800.00) dollars.

Sec. 2. It is specifically provided that the operation of this Act shall be limited to those societies whose application was pending at the date of approval of this Act by the Governor and who had complied with the above provisions.

Sec. 3. The fact that there is now no law under which a fraternal benefit society may be organized and operated on a limited basis, and afford protection to persons of limited means, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this Act take effect and be in force from and after its passage; and it is so enacted.

#### FIFTY-NINTH DAY (Continued).

Senate Chamber,  
Austin, Texas,  
April 14, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 438.	H. B. No. 575.
S. B. No. 263.	H. B. No. 854.
S. B. No. 437.	H. B. No. 775.
S. B. No. 436.	H. B. No. 667.
S. B. No. 92.	H. B. No. 840.
H. B. No. 82.	H. B. No. 431.
H. B. No. 207.	H. B. No. 188.
H. B. No. 253.	H. B. No. 6.

#### Motion to Reconsider.

The question recurred upon the motion (by Senator Fellbaum) to table the motion (by Senator Holbrook) to reconsider the vote by which S. C. R. No. 38 was adopted.

Senator Fellbaum withdrew the motion to table and the motion calling up from the Journal the motion to reconsider.

Senator Holbrook withdrew the motion to reconsider.

Senator Holbrook moved to refer the resolution to the Committee on Finance. The motion prevailed.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, April 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 240, A bill to be entitled "An Act amending Article 2558, Revised Civil Statutes, 1925; and declaring an emergency."

S. B. No. 480, A bill to be entitled "An Act authorizing the board of trustees of independent school districts having a scholastic population of not less than 225 and not more than 325 according to the last State scholastic census, to borrow money from the Reconstruction Finance Corporation or from other sources, for the purpose of installing canning factories, manual training equipment, equipment for physical education department and for the erection of necessary buildings therefor, providing for charging of fees for the use of such equipment to make same self-liquidating, and providing for the issuance of securities based on such fees which may be supplemented by the local maintenance tax of such districts as a basis of credit for the purchase of such equipment as is named above; and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Motion to Reconsider.

Senator Beck moved to reconsider the vote by which the Senate concurred in House amendment to S. B. No. 85. The motion prevailed.

On motion of Senator Beck, the Senate refused to concur in the House amendment and requested the appointment of a free conference committee.

The Chair appointed the following on the part of the Senate:

Senators Purl, Small, Stone, Beck and Moore.

#### H. C. R. No. 18.

The Chair laid before the Senate: H. C. R. No. 18, Relative to making the cemetery of the DeZavala family part of the San Jacinto State Park.